

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.2506 OF 2017

ORDER:

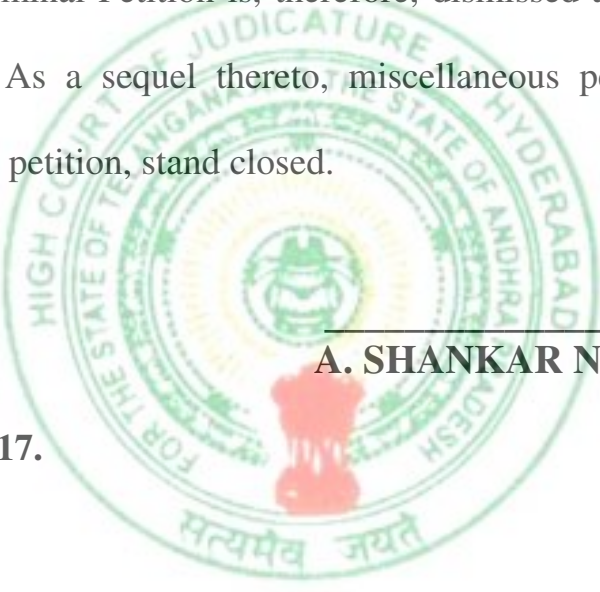
The present petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'the Code') to quash the proceedings in Calendar Case No.350 of 2016 pending on the file of I Metropolitan Magistrate, Ranga Reddy District at Miyapur, wherein the offence punishable under Section 138 of the Negotiable Instruments Act, 1881, has been alleged against the petitioner.

2. Heard Sri Nuthalapati Krishna Murthy, learned counsel for the petitioner.

3. The learned counsel's main submission is that the account was closed by the petitioner on 15.07.2015 and, therefore, the question of issue of any cheque, which is the subject matter in the aforesaid Calendar Case, does not arise. Thus, the stand of the petitioner is that the cheque was fabricated and put to use now for the present offence being alleged against the petitioner. Yet another submission is that the details of transactions have not been mentioned in the complaint and service or otherwise of the notice said to have issued by the complainant - respondent No.1 is also not proper and, therefore, *ex facie*, the proceedings in the Calendar Case against the petitioner would amount to abuse of the process of law.

4. No notice is required to the respondent No.1 - complainant for the reason that the factual aspects that have been canvassed before this Court require a thorough probe which can be done by conducting trial. The petitioner gets an opportunity to question all these aspects when the complainant steps into witness box, but not a case to quash the proceedings in Calendar Case under the provisions of Section 482 of the Code.

The Criminal Petition is, therefore, dismissed at the admission stage itself. As a sequel thereto, miscellaneous petitions, if any, pending in the petition, stand closed.



A. SHANKAR NARAYANA, J

March 27, 2017.
Mgr