

HONOURABLE SRI JUSTICE N. BALAYOGI

CRIMINAL PETITION No.8299 of 2011

ORDER:

1. This petition is filed by the petitioner under Section 482 Cr.P.C. seeking to quash the proceedings against him in Crime No.101 of 2011 on the file of Gopalpuram Police Station, Hyderabad City.

2. The contention of the petitioner is that the complaint filed by the 2nd respondent was forwarded to the police under Section 156(3) Cr.P.C., which was registered as a case in Crime No.101 of 2011 for the offence under Section 420 and 406 IPC. Further, it is contended that the criminal proceedings on dishonour of one cheque relating to business transaction are not sustainable, when there are legal remedies available to the complainant under the Negotiable Instruments Act and that the complaint filed by the 2nd respondent without availing the remedies under the Negotiable Instruments Act cannot be sustained.

3. On the other hand, the learned Counsel for the 2nd respondent contended that he has issued a legal notice to the petitioner under the Negotiable Instruments Act on 2.3.2011 and the complaint is maintainable.

4. A perusal of the record goes to show that admittedly the 2nd respondent is a private company having business transactions with the petitioner. The petitioner had issued four cheques out of which one cheque bearing No.299190 for Rs.1,00,000/- was dishonoured, in respect of which, the 2nd respondent issued a legal notice dated 2.3.2011 calling upon the petitioner to make payment within 15 days from the date of receipt of notice, failing which, he shall be constrained to take legal action under Section 138 of the Negotiable Instruments Act, which categorically

establishes that before initiating the criminal proceedings against the petitioner, the 2nd respondent issued notice calling upon the petitioner to pay the amount. As he failed to respond properly, the said dishonoured cheque led to criminal proceedings. I do not find any reasons to quash the proceedings against the petitioner in the above crime.

5. Accordingly, the Criminal Petition is dismissed. Consequently, miscellaneous petitions pending, if any, shall stand closed and the interim stay granted on 12.9.2011 in CrI.P.M.P.No.8895 of 2011 is vacated.

Date: 12th October, 2017
Nn

JUSTICE N. BALAYOGI



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