

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.6481 OF 2017

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C by the petitioner/ accused, seeking to quash the proceedings in C.C.No.8 of 2017 on the file of the V Special Magistrate, Hastinapuram, where taken cognizance for the offence punishable under Sections 138 and 142 of the Negotiable Instruments Act, 1881.

Heard learned counsel for the petitioner and learned Public Prosecutor appearing for the State, before ordering notice to respondent No.1/de facto complainant and perused the grounds urged in the criminal petition from the cognizance taken in the private complaint case.

The contentions regarding there is no legally enforceable debt or other liability and any statutory bar for the alleged lending under Section 186 of the Companies Act, 2013 or part of the defence, it is left open to the petitioner/ accused to raise during trial and it is premature for this Court to make any observation on the factual aspects.

Having regard to the above, the Criminal Petition is dismissed. It is needless to say, if the petitioner wants to avail the benefit of Section 205 Cr.P.C. it is left open to approach the trial Court.

Miscellaneous petitions pending if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date: 31-07-2017
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