

SMT. JUSTICE T. RAJANI

CRIMINAL PETITION No.2097 of 2017

ORDER:

This petition is filed for quash of proceedings in C.C.No.260 of 2016 against the petitioner/A.1.

Learned Public Prosecutor takes notice for the first respondent. None appears on behalf of the second respondent in spite of the notice being taken to him.

Heard learned counsel for the petitioner and the learned Public Prosecutor.

It is submitted by the learned counsel for the petitioner that the petitioner is not a signatory of any of the cheques issued by the first wife of the second respondent and hence, he cannot be prosecuted.

Section 138 of the Negotiable Instruments Act prescribes punishment only for the person who draws a cheque and when the same is dishonoured. Hence, when a person is not a signatory to the cheque, he does not get attracted to any offence punishable under Section 138 of the Negotiable Instruments Act. Hence, considering the same, further proceedings in C.C.No.260 of 2016 are quashed against the petitioner.

The Criminal Petition is accordingly allowed.

Pending miscellaneous petitions, if any, shall stand closed.

SMT. T. RAJANI, J

24th OCTOBER, 2017.

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