

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.9368 of 2017

ORDER :

This petition is filed by the petitioner/ A1 under Section 482 Cr.P.C., seeking to quash the proceedings in C.C.No.92 of 2016 on the file of the IV Additional Chief Metropolitan Magistrate, Visakhapatnam, which is an outcome of the private complaint case of the 2nd respondent, registered for the offence punishable under Section 138 of the Negotiable Instruments Act (for short 'the Act').

Heard the learned counsel for the petitioner and the learned Public Prosecutor representing the State before ordering notice to the 2nd respondent and perused the grounds urged in the quash petition.

The petitioner is seeking to quash the said private complaint case of the 2nd respondent stating that there is no legally enforceable debt among other contentions. In fact, he can urge the same before the trial Court, particularly, filing application under Section 251 Cr.P.C. as held by the Apex Court in Bhushan Kumar v. State (NCT of Delhi)¹.

Having regard to the above, there is nothing to admit the Criminal Petition, much less, keep pending to interdict the

¹ 2012(5)SCC 424

proceedings before the trial Court, but for, to give such liberty to file an application with reference to the law supra. It is needless to say, if at all any personal inconvenience to appear before the trial Court, remedy is left open to the petitioner to file an application under Section 205 Cr.P.C. to permit to represent through special vakalat holder, for the learned trial Magistrate to consider after hearing with necessary conditions of personal appearance as and when required.

Accordingly, the Criminal Petition is disposed of.

Consequently, miscellaneous petitions, if any, pending shall stand closed.

Date:09-10-2017

Note:

Issue C.C. tomorrow.

B/ o.
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Dr. B. SIVA SANKARA RAO, J

