

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Criminal Petition No.626 of 2018

ORDER:

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed by the petitioner/accused, seeking to quash the proceedings in S.T.C.No.157 of 2017 on the file of the IV Additional Junior Civil Judge – cum – Judicial Magistrate of First Class, Chittoor.

2. Heard the learned counsel for the petitioner/accused, learned Assistant Public Prosecutor representing the 2nd respondent-State and perused the record.

3. The learned counsel for the petitioner/accused would submit that arbitration proceedings are pending. Therefore, the complaint for the offence punishable under Section 138 of Negotiable Instruments Act, 1881, is liable to be quashed, as the petitioner/accused disputed the money transaction between the parties to the litigation.

4. On the other hand, the learned Assistant Public Prosecutor opposed the relief sought for by the petitioner/accused.

5. The material on record reveals that the petitioner/accused availed a loan of Rs.50,00,000/- from the complainant, payable in 60 monthly instalments @ Rs.1,56,250/- each. Thereafter, he committed default in payment of amount due. Thereafter, the subject cheque was said to have been issued by the petitioner/accused towards discharge of his liability. Pendency of

arbitration proceedings cannot be a ground to stop adjudication of the subject dispute by the learned Magistrate. Whether the amount is due or not, whether the subject cheque was given in discharge of legally enforceable debt are required to be determined by the learned Magistrate. The Criminal Petition is devoid of merit and is liable to be dismissed.

6. Accordingly, the Criminal Petition is dismissed.

Miscellaneous petitions, if any, pending in this Criminal Petition, shall stand closed.

24th January, 2018
Bvv



Dr. SHAMEEM AKTHER, J