

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION NO.965 OF 2018

ORDER:

This petition is filed by the petitioner-accused under Section 482 Cr.P.C. to quash the proceedings in C.C.No.273 of 2017 on the file of the XXV Special Magistrate, Hyderabad, for the offence alleged under Section 138 of the Negotiable Instruments Act.

2. Heard learned counsel for the petitioner, learned Assistant Public Prosecutor representing the State and perused the record.

3. Learned counsel for the petitioner would submit that the cheques were taken at the time of the alleged lending of money. As per the record, no offence is made out against the petitioner under Section 138 of the Negotiable Instruments Act. The continuation of proceedings would be an abuse of process of law and ultimately, prayed to allow the petition.

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

5. There is nothing wrong in taking cheques in advance for the money alleged to have been lent. Whether the subject debt is enforceable and the impugned cheque was given at the time of alleged lending of money towards legally enforceable debt can only be determined after due trial. The continuation of proceedings would not be an abuse of process of law. Therefore, the 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.

DATED: 31-01-2018.
Hsd

DR.SHAMEEM AKTHER, J