

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION NO.1362 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.562 of 2017 on the file of the X Special Magistrate, Miyapur, which was taken cognizance of the offence punishable 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 1st respondent-bank filed a suit for recovery of money. During pendency of the suit, this criminal case was filed to punish the petitioner for the offence under Section 138 of the N.I. Act. The petitioner is ready to pay the amount due to the 1st respondent-bank and ultimately, prayed to allow the petition.

4. It is the right of the 1st respondent-bank to file a suit for recovery of amount due from the petitioner. When a cheque was given and it was not honoured, the remedy available to the 1st respondent-bank is to proceed with the case in accordance with law and seek a conviction for the offence punishable under Section 138 of the N.I. Act. Therefore, the petition is devoid of merit and is liable to be dismissed.

5. Accordingly, the Criminal Petition is dismissed. Miscellaneous petitions, if any pending in this Criminal Petition shall stand closed.

DR.SHAMEEM AKTHER, J

DATED: 08-02-2018.

Hsd