

SMT JUSTICE T. RAJANI

CRIMINAL PETITION Nos.4039 and 5358 of 2013

COMMON ORDER:

The criminal petitions are filed for quash of the proceedings in CC.No.51 of 2012, against the petitioners, who are A1 to A5 and A6 respectively, on the file of the XXIV Special Magistrate, Hyderabad. The offence alleged is under Section 138 of the Negotiable Instruments Act.

2. Heard the counsel for the petitioners and the learned Public Prosecutor, appearing for the first respondent. None appears for the second respondent in spite of notice.

3. The counsel for the petitioner submits that this Court in CRLP.Nos.5477 and 5478 of 2007 dated 12.08.2010 quashed the proceedings against the petitioners therein, who are petitioners herein, considering that when the cheque was not issued in the name of the company, the petitioners, who are stated to be the directors of the company, cannot be prosecuted on the basis of the cheque, which was issued by one of the directors in his personal capacity.

4. A perusal of the cheque, in this case, shows that it was issued by one Pradeep Mahipath in his individual capacity but the contents of the complaint shows that amount was due by A1 company. Hence, for the same reasons, as mentioned in CRLP.Nos.5477 and 5478 of 2007 dated 12.08.2010, the present petitions also need to be allowed.

In the light of the above, the criminal petitions are allowed and the proceedings in CC.No.51 of 2012, against the petitioners, who are

A1 to A5 and A6 respectively, on the file of the XXIV Special Magistrate, Hyderabad, are hereby quashed. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

October 10, 2018
DSK

T. RAJANI, J

