

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Criminal Petition No.3016 of 2018

ORDER:

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed by the petitioner/accused to quash the proceedings in C.C.No.524 of 2016 on the file of Judicial Magistrate of First Class, Dhone, registered for the offences under Section 420 of I.P.C. and Sections 138, 141, 142 of the Negotiable Instruments Act, 1881.

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, the brother of the de-facto complainant filed a Calendar Case in C.C.No.296 of 2017 before the III Special Magistrate at Hyderabad, wherein, he stated that he does **not** know about the money lent in this impugned Calendar Case. There is no legally enforceable debt. There is no promissory note. The petitioner/accused has nothing to do with the impugned cheque and ultimately prayed to allow the application.

4. The learned Assistant Public Prosecutor opposed the relief sought by the petitioner/accused.

5. The evidence of the brother of the de-facto complainant in the other Calendar Case has no relevance at this stage in the impugned Calendar Case to quash the proceedings against the petitioner/accused. Further, as per the case of complainant, there is

no specific mention in the complaint that the de-facto complainant is claiming more than the cheque amount. Further, the impugned cheque said to have been given for an amount of Rs.9,50,000/-. As seen from the record, there is no illegality. The truth or otherwise of the allegations is required to be determined after due trial. The Criminal Petition is devoid of merit and is liable to be dismissed.

6. At this stage of the dictation of the order, the learned counsel for the petitioner/accused sought permission to withdraw the Criminal Petition. In view of the submissions made, material on record and observations made above, no such permission can be granted.

7. In the result, the Criminal Petition is dismissed.

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

12th March, 2018
Bvv

Dr. SHAMEEM AKTHER, J

