

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Criminal Petition No.3245 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.84 of 2018 on the file of the Judicial Magistrate of First Class, Srikakulam, registered for the offences under Sections 138 & 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 statutory notice was not issued to the petitioner/accused. Further, there is no legally enforceable debt and ultimately prayed to allow the application.

4. As seen from the record, the complainant filed returned cover and also copy of legal notice in the impugned proceedings. There are also allegations that the impugned cheque was given towards legally enforceable debt. The submissions made on behalf of the petitioner/accused are required to be determined after due trial. At this stage, it is difficult to sustain those contentions. The Criminal Petition is devoid of merit and is liable to be dismissed.

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

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

Dr. SHAMEEM AKTHER, J

15th March, 2018
Bvv

