

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.1830 of 2017

ORDER:

This petition is filed seeking for quash of the proceedings against the petitioner, who is accused in C.C.No.1176 of 2016 pending on the file of I Additional Chief Metropolitan Magistrate, Visakhapatnam.

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

3. The counsel for the petitioner seeks for quash of the proceedings on the ground that the cheques were issued in the year 2014 as evidenced by the post-dated cheques covering letter and that they are issued only for security purpose.

4. A perusal of the said letter would show that the words mentioned therein are "post-dated cheques/security cheques". Hence, when there is a possibility of construing the cheques as cheques and not security cheques, since both the terms are used therein, it is not advisable to interpret the cheques as issued for security purpose alone and quash the proceedings, more so, when the subsequent sentences in the said letter would say that the cheques were issued towards the repayment of the personal future loan availed by the petitioner herein. Hence, in view of the above, this Court is of the view that this is not a fit case for quashing the impugned proceedings. However, the request of

the counsel for the petitioner that the presence of the petitioner may be dispensed with before the trial Court, may be taken care of by directing the lower Court not to insist upon the petitioner for personal appearance unless the same is required for the proceedings.

5. Accordingly, the Criminal Petition is dismissed.

As a sequel, the miscellaneous applications, if any pending, shall stand closed.

January 04, 2018
Tsr

T. RAJANI, J

