

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

CRIMINAL PETITION No.4010 of 2018

ORDER:

This Criminal Petition is filed by petitioner/accused under Section 482 Cr.P.C, to quash the proceedings against him in C.C No.483 of 2016 on the file of Judicial First Class Magistrate, Koilakuntla, registered for the offence under Section 138 of Negotiable Instruments Act, 1881.

When the matter came up for hearing, learned counsel for petitioner/accused would submit that the disputed cheque was obtained by applying threat and force against the petitioner and therefore, the cheque was not issued for discharge of any legally enforceable debt and hence, the complaint is not maintainable. On this ground, he sought to quash the proceedings.

It is seen that whether the cheque was obtained legally or whether the cheque was obtained by applying threat and coercion is a matter of fact to be established during the trial. Therefore, this aspect cannot be decided in the quash petition.

Accordingly, the Criminal Petition is dismissed. However, considering the request of the petitioner, personal appearance of the petitioner/accused in CC No. 483 of 2016 on the file of Judicial First Class Magistrate, Koilakuntla, is dispensed with except on the occasions

when the trial Court requires his presence. As a sequel there to, miscellaneous applications, pending if any, shall stand closed.

U.DURGA PRASAD RAO, J

Date: 16.04.2018

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