

SMT JUSTICE T.RAJANI

CRIMINAL PETITION No.12598 OF 2013

ORDER:

This Criminal Petition, under Section 482 of Cr.P.C., is filed by the Petitioner/A-3 seeking to quash the proceedings in C.C. No.99 of 2013, pending on the file of the Court of XI Additional Chief Metropolitan Magistrate, City Criminal Court at Secunderabad (for short, 'the trial Court'), registered for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881 (for short, 'the Act').

2. Heard learned counsel for the petitioner, learned counsel for the 1st respondent – *de-facto* complainant, and learned Public Prosecutor, appearing for the 2nd respondent – State.

3. The case is filed for the offence punishable under Section 138 of the Act for dishonour of the cheque, issued by the Managing Director of M/s. Sudhamsu Exim Private Limited, who is A-2.

4. Learned counsel for the petitioner submits that the date of cheque is 17.11.2012. But the petitioner, who is Director of the M/s. Sudhamsu Exim Private Limited, has resigned with effect from 05.10.2012. In proof of the said resignation, learned counsel also filed the certified copy of Form 32, which was submitted to the Assistant Registrar of Companies, Hyderabad, for A.P. and Telangana, which shows that the resignation of the petitioner came into effect from 05.10.2012.

5. Learned counsel appearing for the 1st respondent – *de-facto* complainant also does not refute the said fact.

6. Hence, the petitioner, who was not the Director of M/s.Sudhamsu Exim Private Limited, as on the date of issuance of the cheque, cannot be permitted to be prosecuted.

7. Hence, in view of the above, this Court opines that continuation of further proceedings against the petitioner would result in sheer abuse of process of law.

8. Accordingly, the Criminal Petition is allowed and all further proceedings against the Petitioner/A-3 in C.C. No.99 of 2013, pending on the file of the Court of XI Additional Chief Metropolitan Magistrate, City Criminal Court at Secunderabad, are hereby quashed.

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

Date: 12.10.2018.
Dsh

T.RAJANI, J



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Date. 12.10.2018

DSH