

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.3276 of 2013

ORDER:

This criminal petition is filed, seeking for quash of the proceedings in CC.No.150 of 2012 (Old C.C.No.165 of 2012), against the petitioner, on the file of the II Special Magistrate, Cyberabad, Rajendranagar. The offence alleged is under Section 138 of the Negotiable Instruments Act (for short 'the Act').

2. Heard the counsel for the petitioner, the counsel for the first respondent and the learned Public Prosecutor, appearing for the second respondent.

3. The complaint is filed on the ground that after taking hand loan from the complainant, the petitioner has issued a cheque in discharge of the said loans and when it was presented before the bank, it was dishonoured, on the ground that the name of the drawer does not match.

4. The counsel for the petitioner submits that the cheque does not belong to the petitioner, so also the account. The counsel relies on the certificate issued by the bank, stating that no account with SB.A/c.No.22447 exists in the said branch and that no account exists in the name of Sri C. Mahender Reddy.

5. The counsel for the respondent submits that the cheque was not returned on the ground that there was no account in existence but it was returned on the ground that the signature of the drawer did not match. The counsel contends that it is a matter for investigation,

whether the account ever existed or not or whether the account was closed subsequent to the issuance of the cheque.

6. This Court finds some force in the aforesaid contention of the counsel for the respondent. Hence, this Court opines that it is not a fit case for quash of proceedings against the petitioner.

In the light of the above, the criminal petition is dismissed. The interim stay granted on 18.04.2013 and extended from time to time shall stand vacated. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

September 4, 2018
DSK



T. RAJANI, J