

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.6883 of 2011

ORDER:

This petition is filed seeking for quash of the proceedings against the petitioner, who is A10, in STC No.23 of 2010 on the file of the court of Judicial Magistrate of First Class, Vayalpad, Chittoor District.

2. The facts of the case briefly are that this petitioner is the Executive Member in the Sai Seva Samiti and all the accused are the office bearers of the said society. They issued a cheque on behalf of the society to the complainant. The cheque was dishonoured and hence, the case came to be filed.

3. Heard the counsel for the petitioner. He contends that only A1 and A5 are the signatories to the cheque. But, a perusal of the complaint shows that the complainant approached all the accused and negotiations were held with all of them. It is only in order to discharge the liability that is due to the complainant, that the cheque was issued only by A1 and A5, who are the President and Treasurer and that by itself does not exonerate the petitioner from liability.

4. The further contention of the counsel for the petitioner is that in the lower court, the complaint was dismissed against all the accused for non-prosecution, except this accused, as stay was granted by this court in this petition. However, on merits, this court opines that this is not a fit case for quash of the proceedings.

5. The plea of the petitioner's counsel to dispense with the presence of the petitioner can be considered and the Court below is directed not to insist upon the presence of the petitioner unless it is necessary for the proceedings of the case.

6. With the above observations, the Criminal Petition is dismissed. Interim stay granted by this court in CrI.P.M.P.No.7121 of 2011, dated 11.08.2011, shall stand vacated.

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

August 13, 2018
LMV



T. RAJANI, J