

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.9133 of 2011

ORDER:

This criminal petition is filed, seeking for quash of the proceedings in CC.No.209 of 2011, against the petitioner, who is A2, on the file of the X Additional Chief Metropolitan Magistrate, Secunderabad. The offence alleged is under Section 138 of the Negotiable Instruments Act (for short 'the Act').

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

3. The counsel for the petitioner submits that in all other cases, filed by the complainant against the same accused, this Court was pleased to quash further proceedings and one such order in CRLP.No.9149 of 2011 dated 12.10.2017 is placed before this Court. The counsel further contends that the petitioner is not the drawer of the cheque.

4. This Court in the aforesaid order, considering the fact that the petitioner is not the drawer of the cheque in terms of Section 138 of the Act, held that the complaint cannot be maintained against the person, who is not the drawer of the cheque. Hence, for the same reason, this petition also needs to be allowed.

In the light of the above, the criminal petition is allowed and the further proceedings in CC.No.209 of 2011, against the petitioner, who is A2, on the file of the X Additional Chief Metropolitan Magistrate,

Secunderabad, are hereby quashed. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

September 4, 2018
DSK

T. RAJANI, J

