

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.8888 of 2011

ORDER:

This petition is filed, seeking for quash of the proceedings against the petitioner, who is the accused, in C.C.No.755 of 2011 on the file of the Court of XI Additional Chief Metropolitan Magistrate, Secunderabad. The offences alleged against the petitioners are under Sections 138 r/w Section 142 of N.I.Act.

2. Heard the counsel for the petitioner and the Public Prosecutor appearing for the 2nd respondent. None appears for the 1st respondent in spite of notice.

3. The counsel for the petitioner submits that the petitioner is a minor by the date of issuance of the alleged cheque and that the cheque was issued on behalf of M/s.Hariyana Steel Centre (KDM) Pvt. Ltd. Company, with which the petitioner does not have any nexus. *In fact*, the petitioner, who is given to bad vices, has robbed cheque from his father and gave it to the complainant as security, for gambling. He also relies on the letter issued by M/s.Hariyana Steel Centre (KDM) Pvt. Ltd. Company to the Manager, Indian Overseas Bank, R.P.Road, Secunderabad, asking for stop payment of the missing cheques. He contends that the account number on the cheque does not pertain to the petitioner.

4. However, all the afore-stated facts have to be proved during trial. The documents, which are filed by the petitioner,

cannot be taken into consideration at this stage since it is only a letter issued by M/s.Hariyana Steel Centre (KDM) Pvt. Ltd. Company and there is every scope for the complainant to later deny the genuineness of the said letter.

5. Hence, in view of the above, though, *prima facie*, it appears that the contention of the petitioner's counsel is true, it would not be safe to quash the proceedings at this stage.

6. With the above observations, the Criminal petition is dismissed. Interim stay granted by this court on 23.09.2011, in CrI.P.M.P.No.9633 of 2011, shall stand vacated.

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

August 29, 2018
LMV



T. RAJANI, J