

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.3419 of 2011

ORDER:

This criminal petition is filed for quash of the proceedings in STC.No.5 of 2008 against the petitioner, who is A1, on the file of the Judicial Magistrate of First Class, Nagari, Chittoor District. The offences alleged are under Sections 138 and 142 of the Negotiable Instruments Act.

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

3. The complaint is filed based on the cheque which was allegedly issued to the complainant. The cheque is also filed along with the complaint. In the complaint itself it is stated that the cheque was issued by A1 in favour of A2 and that A2, in turn, issued the cheque to the complainant towards discharge of legally enforceable debt. But a perusal of the cheque shows that it was issued in the name of A2 by A1. The name of the complainant is not found on the cheque. Hence, there cannot be any cause of action for the complainant to file the complaint based on the said cheque.

In the light of the above, the criminal petition is allowed and the proceedings in STC.No.5 of 2008 against the petitioner, who is A1, on the file of the Judicial Magistrate of First Class, Nagari, Chittoor District, are hereby quashed. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

T. RAJANI, J

November 14, 2018/DSK