

SMT JUSTICE T. RAJANI

CRIMINAL PETITION Nos.7619, 7620, 11806 and 11839 of 2011

COMMON ORDER:

The criminal petitions are filed seeking for quash of the proceedings in C.C.Nos.61, 60, 200 and 201 of 2011, against the petitioner, who is A3, on the file of the XIX Additional Chief Metropolitan Magistrate, Nampally. The offence alleged is under Section 138 of the Negotiable Instruments Act.

2. Since the petitioner as well as the subject matter involved in these criminal petitions is one and the same, they are being taken up for disposal by this common order.

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

4. The complaint is filed based on the cheque issued by the managing partner of Sri Sai Construction of which allegedly this petitioner is partner.

5. Though the counsel for the petitioner contends that the petitioner is not a partner in the said firm, he does not produce any evidence through which it can be gathered that the petitioner is not a partner in the firm. There is clear mention in the complaint that the petitioner is a partner. Hence, it is for the petitioner to prove that she is not a partner, which could be done only during trial. Hence, in view of the above, this Court is of the opinion that it is not a fit case for quash of proceedings.

In the light of the above, the criminal petitions are dismissed.
As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

September 26, 2018
DSK

T. RAJANI, J

