

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.9429 OF 2014

ORDER:

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed by the petitioner-A.2 seeking to quash the proceedings against her in C.C. No.247 of 2013 on the file of the VI Additional Judicial Magistrate of First Class, Warangal.

2. Heard the learned counsel for the petitioner-A.2 and the learned Assistant Public Prosecutor for the 1st respondent-State, apart from perusing the material on record.

3. It has been fairly conceded by both sides that the impugned cheque dated 13.03.2013 drawn on ICICI Bank Limited, Warangal Branch was not signed by the petitioner-A.2, who is wife of A.1 in the calander case. When the petitioner-A.2 is not the signatory of the cheque, the provisions of Section 138 of the Negotiable Instruments Act has no application. Under these circumstances, the proceedings against the petitioner-A.2 in C.C. No.247 of 2013 can be quashed.

4. In the result, the Criminal Petition is allowed and the proceedings against the petitioner-A.2 in C.C. No.247 of 2013 on the file of the VI Additional Judicial Magistrate of First Class, Warangal, are quashed. Pending Miscellaneous Petitions, if any, shall stand closed.

22nd February, 2018
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Dr. SHAMEEM AKTHER, J