

SMT JUSTICE T.RAJANI

CRIMINAL PETITION No.2574 OF 2013

ORDER:

1. This Criminal Petition, under Section 482 of Cr.P.C., is filed by the Petitioner/Accused seeking to quash the proceedings in C.C. No.483 of 2010, on the file of the Court of Judicial First Class Magistrate (Prohibition and Excise), Visakhapatnam (for short, 'the trial Court'), registered for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881.
2. Heard learned counsel for the petitioner, learned Public Prosecutor, appearing for the 1st respondent – State. None appears on behalf of Smt. N (P). Anjana Devi Satyanarayana, learned counsel appearing for the 2nd respondent – *de-facto* complainant.
3. The only ground, on which the learned counsel for the petitioner seeks, for quashment of the proceedings is that the cheque, issued to the complainant, was allegedly issued by M/s.R.R.C. Housing Private Limited, which is a Company, and the said Company is not made a party to the case.
4. Hence, the law is well settled that, unless the Company, on whose behalf the alleged cheque was issued, is made a party, the petitioner in the capacity of its Managing Director, cannot be prosecuted.
5. Hence, in view of the above, this Court opines that continuation of further proceedings against the petitioner would result in sheer abuse of process of law.
6. Accordingly, the Criminal Petition is allowed and all further proceedings against the Petitioner/Accused in C.C. No.483 of 2010, on the file of the Court of Judicial First Class Magistrate (Prohibition and Excise), Visakhapatnam, are hereby quashed.
7. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

T.RAJANI, J

Date: 26.10.2018.
Dsh

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Date. 26.10.2018

DSH