

**HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO**

**CRIMINAL PETITION No.594 OF 2019**

**ORDER:**

Petitioners are A-1 and A-2 in C.C.No.628 of 2017 pending on the file of III Special Magistrate, Kukatpally at Miyapur, which is outcome of the private complaint of the 2<sup>nd</sup> respondent for the offence punishable under Section 138 of Negotiable Instruments Act that was taken cognizance and numbered as C.C.No.757 of 2017 by the learned XIX Metropolitan Magistrate, Kukatpally at Miyapur and later transferred and numbered pending in above CC before the present Court.

It is one of the contentions in the grounds in seeking to quash the cognizance was that proprietor and proprietary concern both impleaded as A-2 and A-1 respectively and as per the judgment of Madras High Court in Crl.P.No.25135 of 2000 dated 13-11-2001 in **S.K.Real Estates v. S.Ahmed Meeran**, proprietary concern cannot be liable to be prosecuted but for the proprietor is not even in dispute. Once the proprietary concern and proprietor are there and cheque was issued by proprietor and proprietary concern and proprietor are one and the same and there are no grounds to quash the entire case proceedings but for left open any defence evidence if at all before the trial Court.

With these observations, criminal petition rather than dismissal before the admission before notice to other side disposed of. Miscellaneous petitions pending if any, shall stand closed.

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**Dr. B. SIVA SANKARA RAO, J**

06-02-2019

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