

THE HON'BLE DR. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.12045 OF 2016

ORDER:

The petitioners are A-1 & A-2 in C.C.No.79 of 2016, pending on the file of the learned XXIII Special Magistrate, at Hyderabad, which is outcome of the private complaint of the 2nd respondent for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881.

2. Heard learned counsel for the petitioners and the learned counsel for the 2nd respondent and also the learned Public Prosecutor representing the 1st respondent State and perused the private complaint and the quash petition averments.

3. There is no dispute of the cheque routed from the account of the accused, much less the signatures. Once such is the case, any factual dispute of there is no legally enforceable debt is a matter of adducing evidence during trial with right of cross-examination by accused.

4. Having regard to the above, by left open all defences including as to in what circumstances the so-called cheque routed from that so-called account, the Criminal Petition is disposed of for nothing to quash.

Miscellaneous petitions pending consideration, if any, in this case shall stand closed in consequence.

DR.B.SIVA SANKARA RAO, J

Date: 28th January, 2019

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