

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.1690 OF 2019

ORDER:

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed by the petitioner/accused, to quash the proceedings in C.C.No.215 of 2017 on the file of the XIX Special Magistrate, Erramanzil at Hyderabad, wherein the petitioner/accused is prosecuted for the offence punishable under Section 138 of Negotiable Instruments Act, 1881.

2. Heard the learned counsel for the petitioner/accused, the learned Additional Public Prosecutor representing respondent No.1-State and perused the record.

3. It is contended that there is no legally enforceable debt between the parties and the disputed cheque was not issued for the said debt.

4. As per the material placed on record, there are allegations against the petitioner/accused that he was indebted to respondent No.2 and in order to discharge the said debt, he issued a cheque for Rs.4,00,000/-. Further, there is record to show that the said cheque was dishonoured.

5. Whether there is a legally enforceable debt or the subject cheque was issued to clear the said debt can only be determined after due trial. The petition is devoid of merit and is liable to be dismissed.

6. In the result, the Criminal Petition is dismissed.

Miscellaneous Petitions, if any, pending in this Criminal
Petition shall stand dismissed.

DR. SHAMEEM AKTHER, J

Date: 04.04.2019
ssp

