

HONOURABLE JUSTICE G. SRI DEVI

CRIMINAL PETITION NO.546 OF 2020

ORDER:

This Criminal Petition is filed under Section 482 of the Code of Criminal Procedure seeking quashing of proceedings in C.C.No.760 of 2019 on the file of the Judicial Magistrate of First Class at Mahabubnagar (Proh. & Excise), against the petitioner/accused, registered for the offence punishable under Section 138 of the Negotiable Instruments Act.

Heard the learned counsel for the petitioner/accused and the learned Additional Public Prosecutor appearing for the respondent-State.

Learned counsel for the petitioner/accused submitted that the complaint is not at all maintainable. It is further submitted that the petitioner is innocent and he has not done any fraud as alleged in the complaint and he is having good reputation in the society and during the business rivalry, his own people i.e. relatives are taking revenge against him to defame him in the society. It is further submitted that the Magistrate without looking into the real facts of the case had erroneously entertained the complaint and issued summons without taking the sworn statement of the *de facto* complainant. It is further submitted that the petitioner did not commit any offence and only to harass him mentally and physically at the age of 62 years, the present complaint is filed by the *de facto* complainant. Hence, it is prayed to quash the proceedings in the above C.C.

Learned Additional Public Prosecutor opposed the prayer for quashing of the above C.C.

Having regard to the facts and circumstances of the case, I am of the view that there can be no interference with the above C.C. and the same cannot be quashed, as the contents of the complaint clearly disclose specific allegations against the petitioner/accused for the offence under Section 138 of the Negotiable Instruments Act.

Accordingly, the Criminal Petition is dismissed.

Miscellaneous applications, if any, pending shall stand dismissed.

(G. SRI DEVI, J)

27th January 2020
RRB

