

SMT. JUSTICE T.RAJANI

CRIMINAL PETITION No.6462 of 2013

ORDER

This criminal petition is filed under Section 482 Cr.P.C., seeking to quash the proceedings in C.C.No.611 of 2012 on the file of VIII Special Magistrate, Hyderabad, registered for the offences under Sections 138 and 142 of Negotiable Instruments Act, against the petitioner/A3.

2. Heard learned counsel for the petitioner/A3, learned Public Prosecutor for the first respondent-State and learned counsel for respondents 2 and 3.

3. Learned counsel for the petitioner submits that the petitioner/A3 is a sleeping partner in A1 partnership firm and hence, she cannot be prosecuted. He further submits that even in the complaint, it can be seen that it is averred that it is only A2, who assured the complainant about honouring of the cheques.

4. A perusal of the complaint would show that there is no averment that the petitioner is involved in the day-to-day affairs of A1-firm. The law is well settled that when there is no such averment in the complaint, the petitioner cannot be prosecuted simply on the ground that she is also a partner in the firm. Hence, it is a fit case to quash the proceedings against the petitioner.

5. Accordingly, the Criminal Petition is allowed, quashing the proceedings in C.C.No.611 of 2012 on the file of VIII Special

Magistrate, Hyderabad, against the petitioner/A3. Miscellaneous applications, if any, pending in this criminal petition shall stand closed.

T. RAJANI, J

29th November, 2018.

Note:
Issue CC tomorrow

sj

