

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.4339 of 2019

ORDER:

Heard Sri Kamalakar, learned counsel representing Sri Ch. Purnachandra Rao, learned counsel on record for the petitioner as well as Sri A. Prabhakar Rao, learned counsel appearing for respondent No.2. Respondent No.1 is a formal party.

2. Seeking the Court to quash the proceedings that are pending against the petitioner in C.C.No.668 of 2019 which is pending before the Court of 1st Additional Judicial Magistrate of First Class, Warangal, the present Criminal Petition is filed.

3. Making his submission, learned counsel for the petitioner placed much reliance upon the legal notices dated 03.12.2018, 20.12.2018 and 07.02.2019. Learned counsel states that even before filing of the complaint, legal notices were issued apprehending the acts of the 2nd respondent and thus the calendar case is not maintainable.

4. However, learned counsel for respondent No.2 states that those are the issues that have to be dealt with by the trial Court after receiving the evidence in that regard. No other grounds are projected for this Court to exercise the power granted under Section 482 Cr.P.C. and to quash the proceedings. The validity of the alleged legal notices and their application has to be decided by the trial Court alone. This Court does not find any grounds more so justifiable grounds to quash the complaint which is filed alleging that the petitioner has committed an offence under Section 138 Negotiable Instruments Act, 1881.

5. Resultantly, the Criminal Petition is dismissed.

6. As a sequel, miscellaneous petitions pending, if any, shall stand closed

Dr. JUSTICE CHILLAKUR SUMALATHA

Date: 14.02.2023

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