

## **HONOURABLE SRI JUSTICE S.RAVI KUMAR**

### **CRIMINAL PETITION No.2135 of 2012**

#### **ORDER:**

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This criminal petition is filed to quash proceedings in C.C.No.530 of 2011 on the file of III Metropolitan Magistrate, Cyberabad.

Heard both sides.

The main grounds urged for quashing the proceedings in C.C.No.530 of 2011 are that the petitioners entered into a memorandum of understanding (MOU) and paid Rs.80,00,000/- to the 1<sup>st</sup> respondent as per the said MOU in the year 2009 and as there were disputes, the accounts have been settled. As per the memorandum of understanding, after receipt of the amount, 2<sup>nd</sup> respondent has to hand over possession of the firm to the petitioners.

As the cheque of the 2<sup>nd</sup> respondent dishonoured, 1<sup>st</sup> petitioner filed C.C.No.51 of 2011 and the same is pending on the file of XIX Additional Chief Metropolitan Magistrate, Hyderabad for an offence under Section 138 of N.I.Act and a civil suit is also filed. This present C.C. is nothing but a counter blast to overcome the cheque bounce case, which is pending on the file of XIX Additional Chief Metropolitan Magistrate.

I have perused the material papers filed along with the quash petition including the memorandum of understanding dated 26.12.2009.

Whether the C.C. No.530 of 2011 is filed independently or as a counter blast to the cheque bounce case cannot be decided at this stage in a Section 482 Cr.P.C. petition and it has to be appreciated by

the trial Court after recording the evidence.

Here, when the police after full-fledged investigation and after examining as many as four witnesses found that there is *prima facie* offence against the petitioners. Therefore, for these reasons, I feel that if both the C.C.s are tried by one Court it would be convenient for both the parties and there cannot be any conflicting opinions in respect of the same facts. For these reasons, I feel by transferring the C.C.No.530 of 2011 from the file of III Metropolitan Magistrate, Cyberabad to the Court of 19<sup>th</sup> Additional Metropolitan Magistrate, Hyderabad to be tried along with C.C.No.51 of 2011, this petition can be disposed of.

Accordingly, C.C.No.530 of 2011 is withdrawn from the file of III Metropolitan Magistrate, Cyberabad and transferred to the Court of XIX Additional Chief Metropolitan Magistrate to be tried along with C.C.No.51 of 2011.

Accordingly, this criminal petition is disposed of. Miscellaneous petitions, if any, pending in this appeal, shall stand closed.

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**JUSTICE S.RAVI KUMAR**

**Dt.30<sup>th</sup> June, 2014.**

**PNV**