

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 11.08.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.OP No.20030 of 2015
and M.P. Nos.1 & 2 of 2015

Singaravelu, Proprietor,
Ananda Industries,
SS-15, SIDCO Industrial Estate,
Ambattur, Chennai - 600 098. ...Petitioner/Accused

Vs

Manish Agarwal, Partner,
Unitech Bright Steel Industries,
No.113, Vanagaram Road,
Ayyanambakkam, Chennai - 600 095.

Represented by Power of Attorney,
Mr.Sanjay Modi, Manager,
Unitech Bright Steel Industries. ...Respondent/Complainant

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., praying to call for the entire records relating to the complaint in C.C.No.11753 of 2014 on the file of the Fast Track Court II, Metropolitan Magistrate, Egmore, Chennai and quash the same.

For Petitioner : Mr.C.Jayaprakash

ORDER

This Criminal Original Petition has been filed praying to call for the entire records relating to the complaint in C.C.No.11753 of 2014 on the file of the Fast Track Court II, Metropolitan Magistrate, Egmore, Chennai and quash the same.

2. Heard Mr.C.Jayaprakash, the learned counsel for the petitioner.

3. The petitioner is facing prosecution under Section 138 of Negotiable Instrument Act, challenging which this quash petition has been filed, on the ground that the petitioner had not signed the cheque, but, it is his father who had signed the cheque.

4. On a reading of the complaint, it is seen that the petitioner had given a cheque dated 19.4.2014, drawn on Vijaya Bank, Egmore, Chennai and delivered the same at complainant's office. When cheque was dishonoured, the complainant issued a statutory notice to the petitioner on 05.05.2014 and he did not give any reply nor make any payment.

5. Under such circumstances, this Court cannot go into disputed question of fact, as who had signed the cheque, in the petition filed under Section 482 Cr.P.C., as held by the Hon'ble Supreme Court in S.Krishnamoorthy Vs. Chellammal [2015 (4) Scale 371].

6. In view of the above, this Criminal Original Petition is dismissed with liberty to the petitioner to raise all the points before the Trial Court. Connected M.Ps. are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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TO

The Metropolitan Magistrate,
Fast Track Court-II, Egmore, Chennai.

+ 1 cc to Mr.C. Jayaprakash, Advocate Sr.15424

Cr1.OP No.20030 of 2015

SCD(CO)
Eu 28.08.15

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