

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.12.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.29221 of 2015
and
M.P.Nos.1 & 2 of 2015

P.Rajasekaran

... Petitioner

Vs

R.Villenth

... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. to call for records pertaining to the proceedings in STC No.661/2013 on the file of Judicial Magistrate at Jayankondam, Ariyalur District and quash the same.

For Petitioner : Mr.R.Subramanian

For Respondents : Mr.C.Emalias,
Additional Public Prosecutor

ORDER

This petition has been filed to call for records pertaining to the proceedings in STC No.661/2013 on the file of Judicial Magistrate at Jayankondam, Ariyalur District and quash the same.

2. The petitioner is an accused in a complaint lodged by the respondent under Section 138 of Negotiable instruments Act. A sum of rs.2,65,000/- is outstanding to the respondent by the petitioner herein. In respect of the liability, the petitioner has issued two cheques, one bearing No.042667, dated 30.10.2012, for a sum of Rs.1,35,000/- and another cheque bearing No.092334, dated 31.10.2012, for a sum of Rs.1,30,000/-, both drawn on State bank of India, Irumbilikuturichi. When the respondent / complainant deposited the cheque on 05.12.2012, the

same were returned for funds insufficient. Thereafter, the respondent/complainant issued statutory notice on 31.12. 2013 calling the petitioner to pay the said amount within 15 days. Since the petitioner has not paid the amount, after expiry of the statutory period, the respondent has filed a complaint. The petitioner has filed the present petition to quash the said complaint.

3. It is stated by the petitioner that the cheques were created by the respondent/complainant. In fact, the petitioner herein has settled the entire loan amount. The petitioner/accused was already suspended from State Bank of India on 08.10.2012. Thus, the petitioner has filed this petition to quash the complaint.

4. In my considered opinion, the submission made by the learned counsel for the petitioner will not serve as a ground to quash the complaint. The petitioner can raise all these grounds during the course of trial. There is no merits in the petition. Hence, the criminal original petition stands dismissed. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

vs

To

1. The Judicial Magistrate
Jayankondam, Ariyalur District
2. The Public Prosecutor,
High Court, Chennai

Crl.O.P.No. 29221 of 2015

KGK(CO)
CA(30/12/2015)

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