

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 28.04.2015
DELIVERED ON : 30.04.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.O.P.No.7164 of 2015
and M.P.Nos.1 and 2 of 2015

G.Selvaraj

.. Petitioner

vs.

AMPO Valves India Pvt. Ltd.
Rep by its Authorized Signatory
Mr.B.N.Binesh Kumar
S.F.No.420, 6th Cross
V.K.Road
Thaneer Pandal
Coimbatore 641 004

.. Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records and quash the complaint in STC No.448 of 2014 on the file of the Court of Judicial Magistrate No.VI, Coimbatore and now transferred to the learned Fast Track Court Magisterial Level, Ambattur, Chennai.

For Petitioner : Mr.Prakash Goklaney

O R D E R

Heard the learned counsel appearing for the petitioner.

2. On 15.04.2015, this Court posted the case to 22.04.2015 finally. On 22.04.2015 Mr.Prakash Goklaney, learned counsel for the petitioner prayed for adjournment to 28.04.2015 on the ground that the parties are likely to settle. Therefore, the matter was adjourned to 28.04.2015 finally. On 28.04.2015, there was no representation for the petitioner. Hence, this Court reserved the orders and perused the entire records.

3. This application has been filed for quashing the prosecution under Section 138 of the Negotiable Instruments Act initiated by the respondent/complainant against the petitioner/accused before the learned Judicial Magistrate-VI, Coimbatore, in STC No.448 of 2014.

4. On a reading of the complaint it appears that, the complainant had placed a purchase order with the accused for the supply of some materials in discharge of which, the accused had issued a cheque for Rs.2,19,461/- dated 31.01.2014, which, when presented by the complainant, was returned unpaid on the ground "Account closed". The complainant issued a statutory notice on 08.05.2014 and thereafter, has initiated the present complaint.

5. It is the case of the petitioner/accused that the cheques were issued only as a security and not towards a legally enforceable debt. It is also the further contention in the quash petition that, the accused had issued blank cheques and that would not attract penalty under Section 138 of the Negotiable Instruments Act. The aforesaid grounds are questions of fact which can be gone through only during a regular trial. This Court in a quash petition cannot go into the disputed questions of fact. Hence, this petition is dismissed with liberty to the petitioner to raise all the grounds before the trial Court. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

gms

To

1. Judicial Magistrate No.VI, Coimbatore.
 - 2.Fast Track Court Magisterial Level, Ambattur, Chennai.
 - 3.The Public Prosecutor, High Court, Madras.
- + 1 cc to Mr.Prakash Gokalaney Advocate SR.24543

CNR (CO)
EU 21.05.2015

सत्यमेव जयते

Cr1.O.P.No.7164 of 2015

WEB COPY