

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.06.2015

CORAM

The Hon'ble Mr. Justice R.S.Ramanathan

Crl.O.P.No.24120 of 2009

M.Boopathy

...Petitioner

vs.

M/s.Sree Gokulam Chits and Finance Company
Pvt. Ltd.,
rep. by Legal Assistant Mr.V.Mukundan

...Respondent

Criminal Original Petition filed under Section 482 of the Criminal Procedure Code to call for records relating to the case in C.C.No.12339 of 2009, on the file of XVII Metropolitan Magistrate, Saidapet, Chennai, and to quash the same.

For Petitioner : Mr.K.P.Chandrasekaran

For Respondent : Not ready in notice

O R D E R

The petitioner is the accused in C.C.No.12339 of 2009, on the file of XVII Metropolitan Magistrate, Saidapet, Chennai.

2. The respondent/complainant filed the abovesaid case against the petitioner, for offence under Section 138 of Negotiable Instruments Act, 1881, and this Petition is filed to quash the said case.

3. It is submitted by the learned counsel appearing for the petitioner that the petitioner was a subscriber in the Finance Company, conducted by the respondent/complainant, and he has discharged the entire dues, and while conducting the chit business, certain documents were obtained by the respondent and that was misused by him, and suitable reply was given by the petitioner to the respondent to the statutory notice and re-joinder notice was also issued. The learned counsel, therefore, submitted that there is no liability payable by the petitioner to the respondent, and therefore, the complaint is liable to be quashed.

4. I am unable to accept the contentions of the learned counsel for the petitioner. Whether the petitioner has discharged his liability or not, cannot be gone into the Quash Petition filed under Section 482 Cr.P.C., and it is open to the petitioner to prove the same during trial by leading evidence.

5. In the result, the Criminal Original Petition is dismissed. The Trial Court is directed to dispose of the case in C.C.No.12339 of 2009, within a period of four months from the date of receipt of a copy of this order.

Sd/-
Assistant Registrar

True Copy

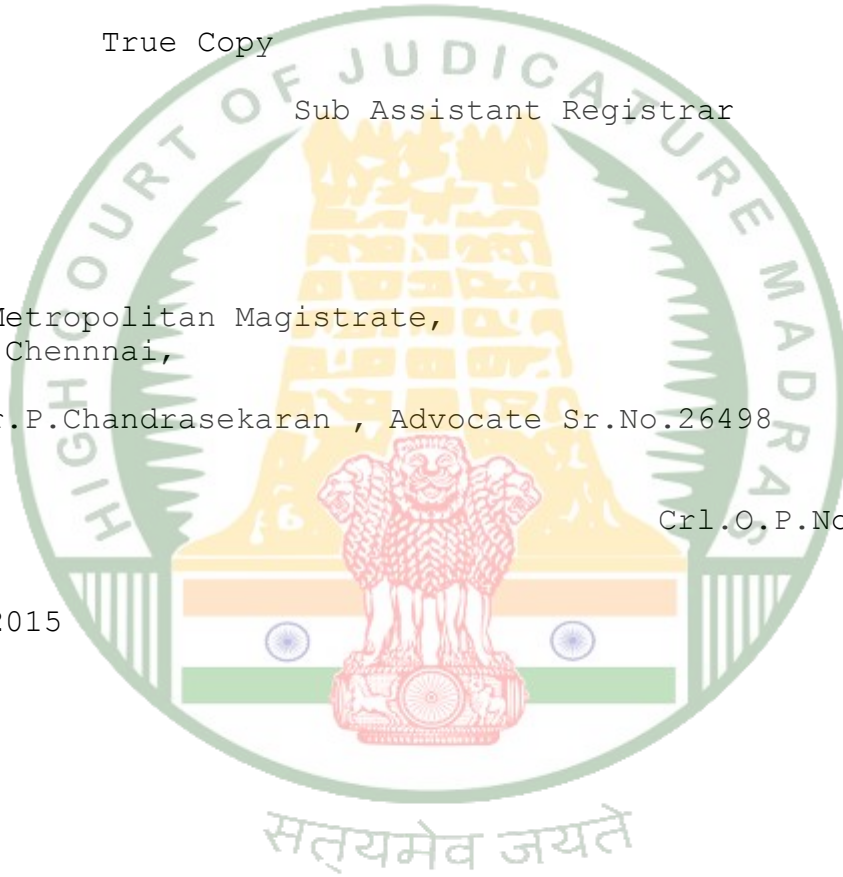
Sub Assistant Registrar

sd
To
The XVII Metropolitan Magistrate,
Saidapet, Chennai,

1 cc to Mr.P.Chandrasekaran , Advocate Sr.No.26498

Crl.O.P.No.24120 of 2009

ak(co)
pmk.13.7.2015



WEB COPY