

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.06.2016

Coram:

THE HON'BLE MR.JUSTICE P.N.PRAKASH

Crl.O.P.No.10044 of 2016

N.Chandrasekaran

... Petitioner/Accused

Vs.

Ramajayam

... Respondent/Complainant

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure praying to quash the entire proceedings initiated under STC No.69 of 2014 on the file of the learned Judicial Magistrate, Fast Track Court, Omalur.

For Petitioner : Mr.C.Girish Babu

ORDER

This petition has been filed to quash the entire proceedings initiated under STC No.69 of 2014 on the file of the learned Judicial Magistrate, Fast Track Court, Omalur.

2. For the sake of convenience, the parties will be referred to as the complainant and the accused.

3. It is the case of the complainant that the accused had borrowed a sum of Rs.3,00,000/- (Rupees three lakhs only) from the petitioner on 24.09.2013 promising to return the amount with interest and in discharge of said liability, the accused has given a cheque for a sum of Rs.3,60,000/- (Rupees Three lakhs Sixty Thousand only) (Principal + interest) on 24.07.2014, which when presented was dishonoured. The complainant issued a statutory notice dated 07.08.2014 to the accused and since the accused neither replied to the statutory notice nor repaid the amount, the complainant filed a private complaint in S.T.C.No.69 of 2014 for offence under Section 138 of the Negotiable Instruments Act against the accused, which is now pending on the file of the learned Judicial Magisterial, Omalur, challenging which, the accused is before this Court.

4. The learned counsel appearing for the accused submitted that the accused is a small time grill manufacturer and he had borrowed only a sum of Rs.60,000/-, whereas, the complainant has filed a private complaint falsely for a sum of Rs.3,60,000/- (Rupees Three Lakhs Sixty Thousand only).

In the considered opinion of this Court, disputed questions of fact cannot be gone into under Section 482 Cr.P.C as per the law laid down by the Hon'ble Supreme Court in S.Krishnamurthy Vs.Chellammal reported in (2015) 4 Scale 371. Hence, the criminal original petition is dismissed with liberty to the petitioner to work out his remedy in the manner known to law.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

sms

To

1.The Judicial Magistrate,
Fast Track Court, Omalur.

2.Do - Through The Chief Judicial Magistrate,
Salem.

+lcc to Mr.C.Girish Babu, Advocate, S.R.No.30732

Cr1.O.P.No. 10044 of 2016

EV(CO)
CA(17/06/2016)

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