

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.07.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP No.16057 of 2016

and Crl.M.P.Nos.7842 and 7843 of 2016

Manuel George @ Manichan ..Petitioner

Vs

A.Ramaiah ... Respondent

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to quash the complaint in C.C.No.1327 of 2015 on the file of the FTC-II Metropolitan Magistrate, Egmore, Chennai.

For Petitioner : Mr.S.V.K.Thampi

O R D E R

This petition has been filed to quash the complaint in C.C.No.1327 of 2015 on the file of the FTC-II Metropolitan Magistrate, Egmore, Chennai.

2. For the sake of convenience, the parties will be referred to by their name.

3. It is the case of Ramaiah that Manuel George @ Manichan [the petitioner herein] is a good friend and that he had lent Rs.5 lakhs on 01.05.2012 in discharge of which liability, Manuel George gave a cheque dated 03.06.2014 for Rs.2,50,000/-, which when presented was dishonoured for "insufficient funds" on 30.06.2014. Ramaiah issued a statutory notice dated 04.09.2014 to Manuel George and since Manuel George did not make the payment, he has lodged the present complaint in C.C.No.1327 of 2015 before the V Metropolitan Magistrate, Egmore, Chennai-8 for an offence under Section 138 of the Negotiable Instruments Act, challenging which Manuel George is before this Court.

4. Learned counsel for Manuel George submitted that Manuel George did not borrow money as alleged by Ramaiah and there is no other relationship between them and that the case has been foisted.

5. In the considered opinion of this Court, in an application under Section 482 Cr.P.C., this Court cannot go into the disputed questions of fact as held by the Supreme Court in S.Krishnamurthy Vs Chellammal [2015] 4 Scale 371.

Hence, this petition is dismissed with liberty to the petitioner to raise all points before the trial Court. Consequently, connected miscellaneous petitions are closed.

Sd/-  
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

1.FTC-II Metropolitan Magistrate, Egmore,  
Chennai.

CrI.OP No.16057 of 2016

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