

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.11.2016

CORAM:

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

Crl.O.P. No. 25740 of 2016 and

Crl.M.P. Nos.12564 & 12565 of 2016

Subramani

Petitioner

vs.

A.P. Subramaniyan

Respondent

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, seeking to call for the records pertaining to C.C. No.7484 of 2014 pending on the file of the Fast Track Court-III, Saidapet, Chennai and quash the same.

For petitioner Mr. V.S. Dixit

ORDER

This Criminal Original Petition has been filed seeking to call for the records pertaining to C.C. No.7484 of 2014 pending on the file of the Fast Track Court-III, Saidapet, Chennai and quash the same.

2 For the sake of convenience, the petitioner and the respondent will be referred to as "accused" and "complainant" respectively.

3 It is the case of the complainant that he had executed a sale deed in favour of the accused on 08.03.2012 and towards the sale consideration, the accused had issued a cheque for Rs.15 lakhs, which, when presented by the complainant, was dishonoured on the ground "payment stopped". Hence, the complainant issued a statutory notice on 10.10.2014 and on the failure of the accused to comply with the demand, the complainant initiated a prosecution against the accused, which is now pending in C.C. No.7484 of 2014 before the Fast Track Court No.III, Saidapet, Chennai, challenging which, the accused is before this Court.

4 Heard Mr. Dixit, learned counsel for the accused.

5 Mr. Dixit submitted that the accused had initially entered into a sale deed with the complainant on 08.03.2012 and subsequently entered into a Memorandum of Understanding with the complainant on 03.04.2012, pursuant to which only, the accused had instructed stop payment on 24.03.2012.

6 In the considered opinion of this Court, this is a disputed question of fact, which cannot be gone into in a quash petition under Section 482, Cr.P.C.

Therefore, this Criminal Original Petition is dismissed with liberty to the petitioner to raise all points before the Trial Court. Connected Crl.M.Ps. are closed.

cad

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Assistant Registrar

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Sub Assistant Registrar

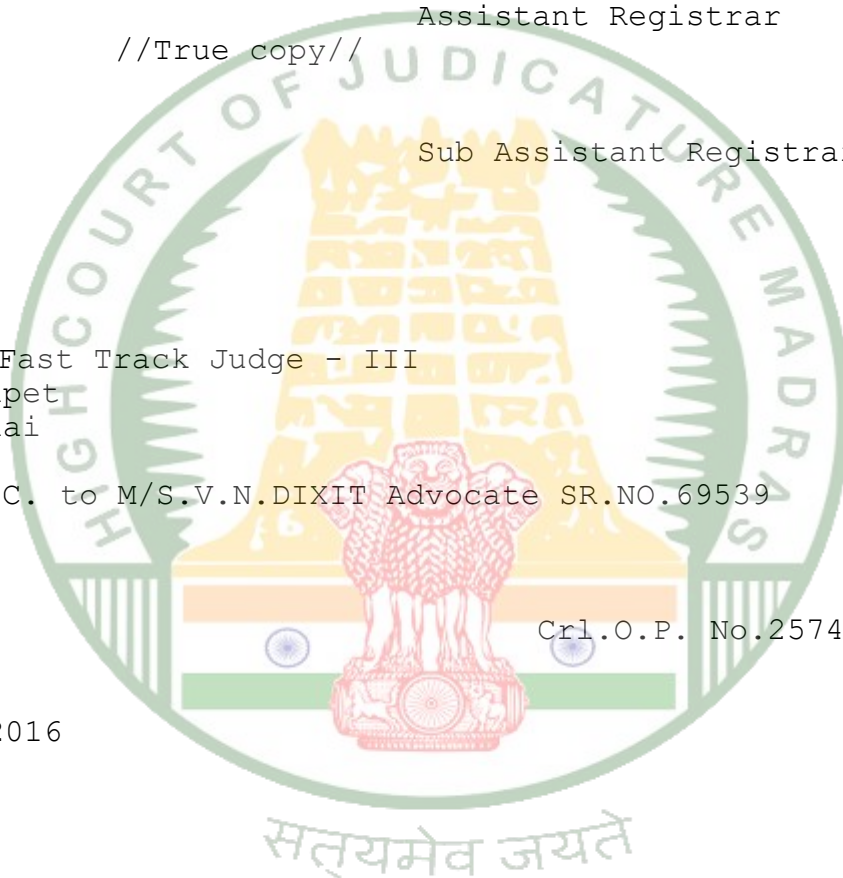
To

1 The Fast Track Judge - III
Saidapet
Chennai

C.C. to M/S.V.N.DIXIT Advocate SR.NO.69539

Crl.O.P. No.25740 of 2016

RJ CO
VS 28.12.2016



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