

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2016

CORAM :

THE HONOURABLE MS. JUSTICE R.MALA

Crl.O.P.No.5673 of 2016
and Crl.MP.Nos.2919 & 2920 of 2016

M.Vasanth

.. Petitioner/Accused

Vs.

K.M.Rajendiran

.. Respondent/Complainant

Prayer:-Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records and quash the complaint in S.T.C.No.1179 of 2015 pending on the file of the learned Judicial Magistrate No.I, Krishnagiri.

For Petitioner : Mr.E.Kotteeswaran

ORDER

The petitioner who is arrayed as an accused has come forward with this petition for quashing the complaint in S.T.C.No.1179 of 2015 pending on the file of the learned Judicial Magistrate No.I, Krishnagiri.

2.Learned counsel appearing for the petitioner submitted that the petitioner has issued seven cheques to the respondent/complainant for discharging his legally subsisting debt. When the first cheque bearing No.143214 was presented for encashment, the same was returned with an endorsement "insufficient funds" and hence the petitioner has paid the cheque amount to the respondent/complainant. Thereafter, when the other cheques were presented for encashment, the cheques in serial Nos.2 to 5 were honoured, but the cheques in serial Nos.6 and 7 bearing Nos.143219 and 143220 were returned with an endorsement "insufficient funds". After issuance of statutory notice, the respondent/complainant had preferred a complaint. He further submitted that the petitioner has already paid the entire amount and there is no legally subsisting debt. Hence, he prayed for quashing the proceedings in S.T.C.No.1179 of 2015.

3.At the time of admission, argument of the learned counsel for the petitioner is heard in length.

4. On perusal of the typed set of papers, it reveals that even though the first cheque issued by the petitioner bearing Cheque No.143214 was returned with an endorsement "insufficient funds", the petitioner has paid the cheque amount to the respondent/amount. But the cheques issued by the petitioner in serial Nos.6 and 7 bearing Cheque Nos.143219 and 143220 were returned. The learned counsel for the petitioner submitted that the petitioner has sent a letter to the Bank on 17.06.2015 for stop payment. Even though the petitioner has stated that he has already paid the entire amount to the respondent/complainant, he has not filed any document to show that he has paid the entire amount due in cheque Nos.143219 and 143220. So, the discharge has to be proved by the petitioner only at the time of trial after letting oral and documentary evidence. Hence, it is only a question of fact. Therefore, I do not find any reason to quash the proceedings in S.T.C.No.1179 of 2015. The Criminal Original Petition deserves to be dismissed and it is hereby dismissed.

5. In the result, the Criminal Original Petition stands dismissed. The trial Court is directed to dispose of S.T.C.No.1179 of 2015 within a period of three months from the date of receipt of a copy of this order. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

cse

To

1. The Judicial Magistrate No.I,
Krishnagiri.

2.-do- Through The Chief Judicial Magistrate, Krishnangir.

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Crl.O.P.No.56 73 of 2016
and
Crl.MP.Nos.2919 and 2920 of 2016

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