



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.09.2016

CORAM:

**THE HONOURABLE MR. JUSTICE K. KALYANASUNDARAM**

CrI.O.P. (MD) No.15 of 2016

and

CrI.M.P. (MD) .No.14 of 2016

D.Vijayakumar

...Petitioner/Sole Accused

Vs.

S.Anbalagan

...Respondent/complainant

**Prayer:** Petition is filed under Section 482 of Cr.P.C., to call for the records relating to the case in S.T.C.No.38 of 2015 on the file of Fast Track Court at Magisterial Level, Thanjavur and quash the same.

For petitioner :Mr.K.Guhan

### O R D E R

This petition is filed seeking to quash the case in S.T.C.No.38 of 2015 for the alleged offence under Section 138 Negotiable Instruments Act, on the file of the Fast Track Court at Magisterial Level, Thanjavur.

2.The learned counsel for the petitioner would submit that the accused never borrowed money from the complainant and he did not issue any cheque. It is further submitted that his account was closed 4 years ago and the cheque was presented by the complainant by manipulating the cheque of the accused and presented by forging his signature.

3. This Court is of the opinion that the defence taken by the accused can be proved only at the time of trial. Further, the petitioner has not made out any grounds to quash the case. Hence, the criminal original petition is dismissed. Consequently, connected miscellaneous petition is closed. However, the learned



Judicial Magistrate, Thanjavur, shall dispose of the case in S.T.C.No.38 of 2015 on merits and in accordance with law, within a period of two months from the date of receipt of a copy of this order.

Sd/  
Assistant Registrar(CO)

/TRUE COPY/

Sub Assistant Registrar

To

The Judge, Fast Track Court at Magisterial Level,  
Thanjavur.

+1cc to M/S.K.Guhan, Advocate in SR.No.57109

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PJL  
PA/GSV-PM/18.10.2016/2P/3C