



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.10.2016

CORAM

THE HON'BLE MR.JUSTICE K.KALYANASUNDARAM

Cr1.O.P.(MD) No.19719 of 2016

and

CMP(MD)Nos.9987 and 9988 of 2016

Rajamanickam : Petitioner/Accused

-Vs-

M.P.Sivanandi :Respondent/Complainant

Prayer: Petition filed under Section 482 of Code of Criminal Procedure, to call for the records pending on the file of the learned Judicial Magistrate, Periyakulam in STC No.2069 of 2013 and quash the same and pass such further orders.

For Petitioner : Mr.M.A.M.Raja

O R D E R

This petition is filed to call for the records pertaining to STC No.2069 of 2013 pending on the file of the Judicial Magistrate, Periyakulam and quash the same.

2.The learned counsel appearing for the petitioner would submit that the petitioner is working as a Driver in Sree Rayalaseema Alkalies and Allied Chemicals Limited and on the date of the said borrowal i.e., 23.01.2013, he was in Kurnool and he was not aware of the case in the year 2013 and he came to know case, when he was arrested in the month of June 2016 by execution of NBW. The learned counsel would further submit that the petitioner borrowed Rs.1,00,000/- from one Gandhi in the year 2013 and he repaid the entire amount to the said Gandhi on 30.02.2015, however, by misusing



the cheque, the complaint was lodged before the respondent police and hence, the quash petition has to be dismissed.

3. It is settled law that the disputed question of fact cannot be decided in the quash petition and the defence of alibi can only be established before the trial court.

4. Hence, this petition is dismissed. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar[Writs]

/True copy/

Sub Assistant Registrar.

To

RR

The Judicial Magistrate, Periyakulam

Cr1.O.P. (MD) No.19719 of 2016
18.10.2016

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