

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2017

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR

CRL.O.P.No.29039 of 2011

and

MP.Nos.1 & 2 of 2011

S. Narayanan ..Petitioner
vs.

Y. Rathinavasulu ..Respondent

Prayer:- Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure to call for the records pertaining to the C.C.No.7273 of 2007 pending on the file of the XVIII Metropolitan Magistrate, Saidapet and quash the same.

For Petitioner : No appearance

For Respondent :M/s.S. Suresh kumar
Ms.S. Indhumathy

ORDER

The Criminal Original Petition has been filed u/s.482 Cr.P.C., with a prayer to quash the C.C.No.7273 of 2007 pending on the file of XVIII Metropolitan Magistrate Court, Saidapet.

2. The Criminal complaint before the said Magistrate has been filed inter alia u/s.138 of the Negotiable Instruments Act. The lone accused in the said case is the petitioner before this court.

3. A thumbnail sketch facts culled out from the complaint reveals that the complainant and the respondent were friends and also partners in business. Subsequently, the cheque issued by the accused was dishonoured.

4. Therefore the above said complaint has been launched.

5. In this quash petition, it is seen that the only point that has been raised is that the cheque in issue was not issued towards a legally enforceable debt and that cheque was not

issued towards discharge of any legally enforceable debt or liability.

6. In the light of the fact that this is the only point that has been raised in the quash petition, this court is of the view that this aspect has to be decided only in trial. On an uncontraverted reading of the complaint, there is no infirmity.

7. It is noticed that the instant calendar case is of the year 2007 and is a decade old.

8. Therefore, the following order is passed:

(i) The Criminal Original Petition No.29039 of 2011 is dismissed. Consequently, connected miscellaneous petitions are closed.

(ii) Parties are left to bear their respective costs.

9. The learned XVIII Metropolitan Magistrate, Saidapet, Chennai, is requested to take up the C.C.No.7273 of 2007 and dispose of the same as expeditiously as possible, in any event, within a period of six months from the date of receipt of copy of this order, (this direction is given considering the fact that the calendar case is of the year 2007 and is a decade old).

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

The XVIII Metropolitan Magistrate,
Saidapet .

+1cc to Mr.S. Suresh Kumar, Advocate, S.R.No.15994

rsk(CO)
md(23/03/2017)

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