

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.08.2017

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

Crl.OP No.21828 of 2010 &
M.P.Nos.1 and 2 of 2010

K.Geethakrishnan

..Petitioner

Vs

A.Ponnusamy

.. Respondent

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records relating to C.C.No.214 of 2009 on the file of the learned Judicial Magistrate No.I, Salem and quash the same.

For Petitioner : Mr.V.Murugesan

For Respondent : Mr.S.Vijayan
For M/s.A.Jenasenan

ORDER

This petition has been filed to quash the private complaint filed in C.C.No.214 of 2009 on the file of the learned Judicial Magistrate No.I, Salem.

2. Heard Mr.V.Murugesan, learned counsel for the petitioner and Mr.S.Vijayan, learned counsel for the respondent.

3. The case of the respondent / complainant is that on 26.05.2005 the accused borrowed a sum of Rs.1,00,000/- from him and on the same date, he executed a promissory note for the said sum. When the complainant demanded the accused to return the amount, he issued a cheque bearing No.018547, drawn on Corporation Bank, Salem, dated 26.05.2005 for a sum of Rs.1,06,000/-. When the cheque was presented, it got dishonoured for the reasons of insufficient funds on 26.05.2005. Hence, he issued a statutory notice demanding payment of the cheque amount within 15 days and he sent a reply with false allegations. Hence, the complaint.

4. The quash petition is filed mainly contending that the private complaint was filed on the allegation that he issued a statutory notice dated 02.06.2005, but the notice was not filed along with the complaint.

5. It is seen from the records that along with the complaint, the complainant filed the statutory notice dated 30.05.2005, subsequently the complainant was examined on 21.03.2006 as PW1 and one Mrs.G.V.Jayadevi was examined on 30.06.2008 on the defence side. Since the statutory notice

was already filed along with the complaint and the complainant side evidence was closed and the case is posted for defence side evidence, this Court is not inclined to quash the complaint.

5. In that view, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petitions are closed.

28.08.2017

Index: Yes/ No
Internet: Yes/No

r n s



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K.KALYANASUNDARAM, J.

r n s

To

The Judicial Magistrate No.I,
Salem.



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