

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.09.2017

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THE HON`BLE MR.JUSTICE A.D. JAGADISH CHANDIRA

Crl.O.P.No.553 of 2011

and

M.P.No.1 and 2 of 2011

R.Vasandharajan

... Petitioner

Vs

E.Jayachandran

... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C to call for the records and quash the complaint in S.T.C.No.712 of 2010 pending on the file of the Learned Judicial Magistrate No.I, Erode.

For Petitioner : M/s.R.R.Venkateshan

For Respondents : No appearance

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ORDER

This Criminal Original Petition has been filed to quash the private

complaint filed against the petitioner under Section 138 of Negotiable Instruments Act which is now pending on the file of the Learned Judicial Magistrate, Erode in S.T.C.No.712 of 2010.

2. The allegation in the complaint is that the petitioner has borrowed a sum of Rs.1,50,000/- from the respondent on 16.05.2010 and issued one cheque bearing No.318646 for a sum of Rs.1,50,000/- dated 16.06.2010 and when the same was presented by the respondent through his banker, it was returned by the drawer's bank for the reason "funds insufficient" on 19.06.2010 and thereby alleging that the petitioner has committed an offence under Section 138 of Negotiable Instruments Act.

3. The present quash petition has been filed by the petitioner/accused on the grounds stating that excepting the cheque the respondent has not produced any other document to prove his liability that the petitioner has borrowed a sum of Rs.1,50,000/- from the respondent. Further, it is also stated that without obtaining pronote or any document paying such a huge amount to third person is highly unimaginable and thereby the complaint is concocted one.

Further, it was submitted that the alleged blank cheque was issued to one S.Rangaraj of Bhavani on 01.01.2010 with a request to arrange funds of Rs.10,000/- for his urgent needs and that the said Rangaraj expressed his inability to procure funds. Further, he failed to return the cheque within a week and that the cheque had been misused by the complainant to initiate proceedings against him under the Negotiable Instruments Act.

4. Further grounds were also raised by the petitioner stating that he is working in the school and imparting education to the poor students and that the cheque had been misused. This court has gone through the complaint. All these grounds raised by the petitioner are all factual aspects which can be decided by examination of witnesses before the trial court. The grounds raised by the petitioner do not make out any ground for quashing the criminal complaint.

5. Accordingly, this Criminal Original Petition is dismissed. Since the S.T.C is pending before the trial court from the year 2010, the learned Judicial Magistrate No.I, Erode is directed to accord priority to the case and complete the trial as expeditiously as possible within a

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period of six months from the date of receipt of a copy of this order.

Consequently, the connected miscellaneous petitions are closed.

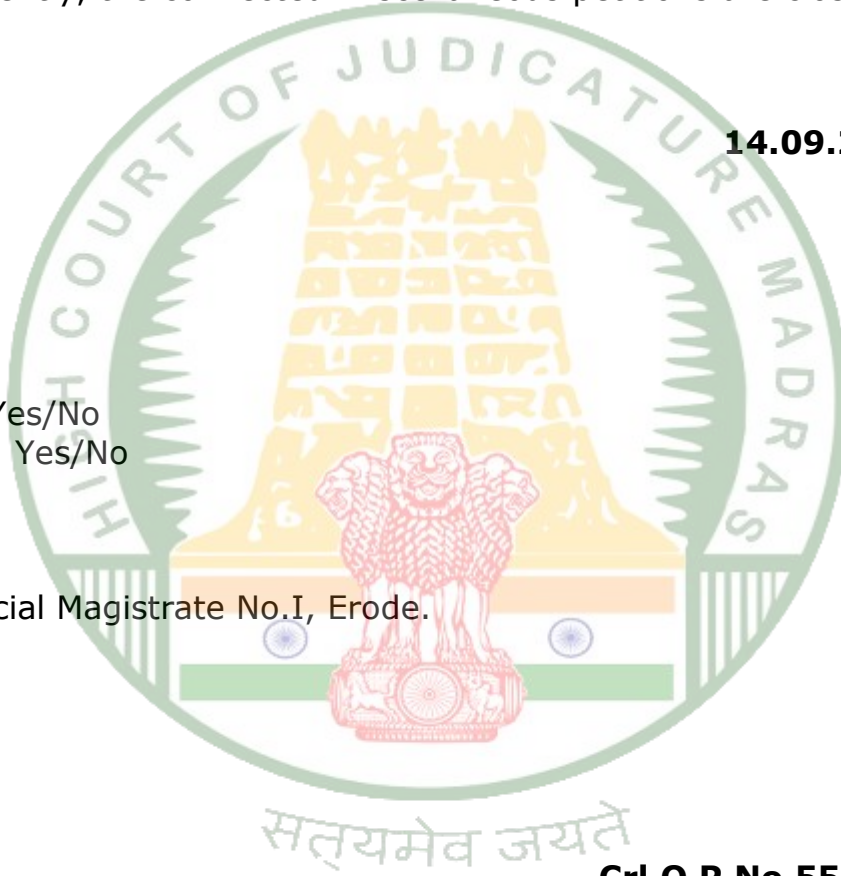
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Index : Yes/No
Internet: Yes/No

To

The Judicial Magistrate No.I, Erode.



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