

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 07.06.2017

CORAM

THE HONOURABLE MR.JUSTICE C.T.SELVAM

Crl.O.P.No.4971 of 2013

and

M.P.Nos.1 and 2 of 2013

K.Chandrasekar
S/o.Krishnaswamy

...Petitioner

Vs

S.Baskaran
S/o.Sennimalai

...Respondent

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for the records in C.CNo. 302 of 2012 on the file of learned Judicial Magistrate VI at Salem and quash the same.

For Petitioner :Mr. M.Sathish kumar

O R D E R

Petitioner seeks quash of proceedings in C.C.No. 302/2012 on the file of learned Judicial Magistrate VI, Salem.

2. Heard learned counsel for petitioner.

3. This petition challenges an action u/s.138 of the Negotiable Instruments Act mainly on the ground that the issue of statutory notice from a particular place would not entitle filing of the complaint before the Court having territorial jurisdiction there over. Such contention is unacceptable in the light of the judgment of the Apex Court in Bridgestone India Private Limited v. Inderpal Singh [2016 (2) SCC 75]. The further contention of learned counsel is that the dishonour of cheque came about not owing to insufficiency of funds but for the reason that payment was stopped. Justification for issuing a stop payment instruction to the bank is a defence which is to be considered by the trial Court on merits.

The Criminal Original Petition is dismissed. Consequently,
connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

bri/gm

To

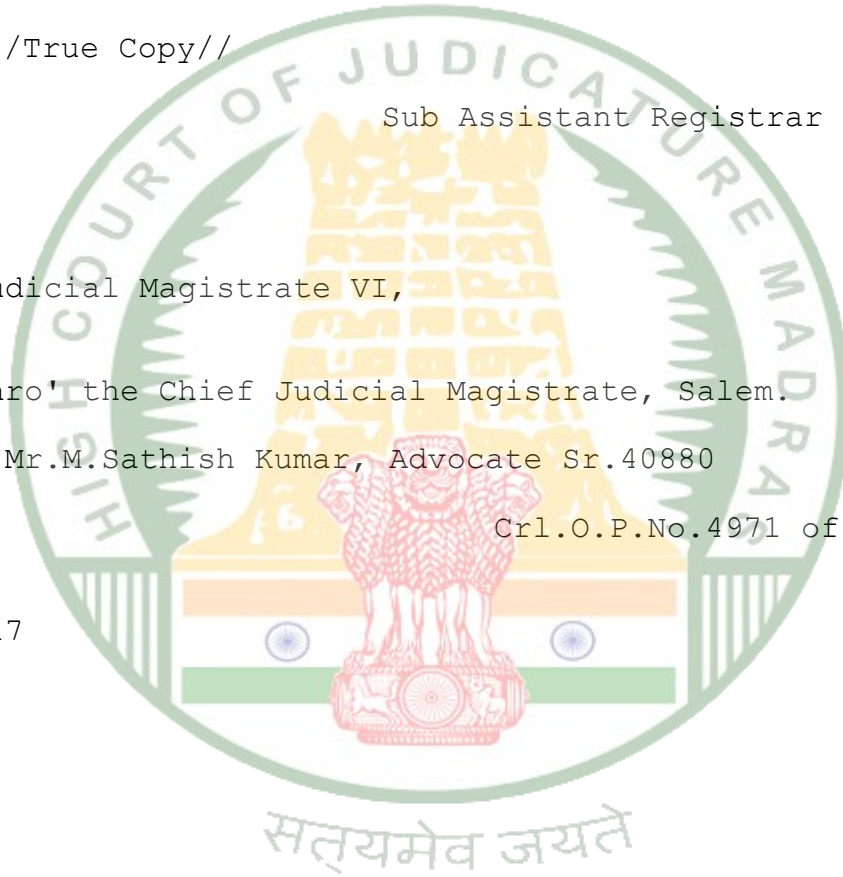
1. The Judicial Magistrate VI,
Salem.

2. -do- Thro' the Chief Judicial Magistrate, Salem.

+ 1 cc to Mr.M.Sathish Kumar, Advocate Sr.40880

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VD(CO)
Eu 30.08.17



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