

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.06.2017

CORAM:

THE HON'BLE MR.JUSTICE C.T. SELVAM

Crl.O.P.Nos.1410 and 1589 of 2013
and
M.P.Nos.1, 1, 2 and 2 of 2013

V.Harikrishnan ... Petitioner in both
petitions

vs.

R.Murugan ... Respondent in both petitions

Criminal Original Petition filed u/s.482 of the Code of the Criminal Procedure praying to quash the complaint filed by respondent in C.C.Nos.199 and 200 of 2012 on the file of learned Judicial Magistrate II, Tindivanam.

For Petitioner : No appearance

C O M M O N O R D E R

Petitioner seeks quash of proceedings in C.C.Nos.199 and 200 of 2012 on the file of learned Judicial Magistrate II, Tindivanam.

2. There is no appearance for petitioner.

3. By way of these quash petitions, proceedings u/s.138 of the Negotiable Instruments Act in C.C.Nos.199 and 200 of 2012 on the file of learned Judicial Magistrate II, Tindivanam, are challenged contending that petitioner has issued cheques bearing Nos.10067787 and 10067788 to the respondent towards part payment. Without informing the petitioner, the respondent presented the cheques and the same were returned unpaid for the reason 'insufficient funds'. When the same was intimated to the

petitioner, the petitioner informed the respondent that he was willing to pay money for the work performed, that he has not received payment from his client and hence, there was insufficient balance in his account. However, the respondent has issued legal notice to the petitioner. It is the contention of petitioner that he has already intimated the respondent not to present the cheques without intimating him, but the respondent has presented the cheques without his knowledge and preferred the complaint.

4. The contentions raised are in the nature of defence which are to be canvassed before and considered on merits by the trial Court.

The Criminal Original Petitions are dismissed. Connected miscellaneous petitions are closed.

Sd/-
Asst.Registrar (CS VIII)

/true copy/

Sub Asst. Registrar

To

The Judicial Magistrate II,
Tindivanam.

Cr1.O.P.Nos.1410 and 1589 of 2013

LRS (CO)
NR 19/07/2017

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