

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.03.2017

CORAM:

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

Crl.O.P.No.1506 of 2012

and

M.P.Nos.1 and 2 of 2012

Komalavalli,
Prop.Koma Enterprises ...Petitioner/Accused

Vs.

S.Sundar,
Prop. Grand Experts ... Respondent/Complainant

Criminal Original Petition filed under Section 482 of the Criminal Procedure Code praying to call for the records relating to M.P.No.5004 of 2011 from the file of learned VII Metropolitan Magistrate, George Town, Chennai, and quash the same.

For Petitioner : No appearance

O R D E R

Petitioner seeks to quash proceedings in M.P.No.5004 of 2011 on the file of learned VII Metropolitan Magistrate, George Town, Chennai, wherein petitioner faces prosecution for offence u/s.138 of the Negotiable Instruments Act.

2. Petitioner informs of having filed a suit against respondent since he was harassed by him, that cheques given by petitioner had been misused and that he enjoys an order of interim injunction. Despite stop payment advised of the petitioner, respondent fabricated and forged blank cheques and attempted to encash the same. On such allegations, petitioner contends that the case for offence u/s.138 of the Negotiable Instruments Act is not sustainable in law.

3. This Court is unable to agree. The contention of petitioner, at best, amounts to defences which he would have to plead and prove before the trial Court.

The Criminal Original Petition is dismissed. Connected miscellaneous petitions are closed.

s/d-
Assistant Registrar (CS-V)

True Copy

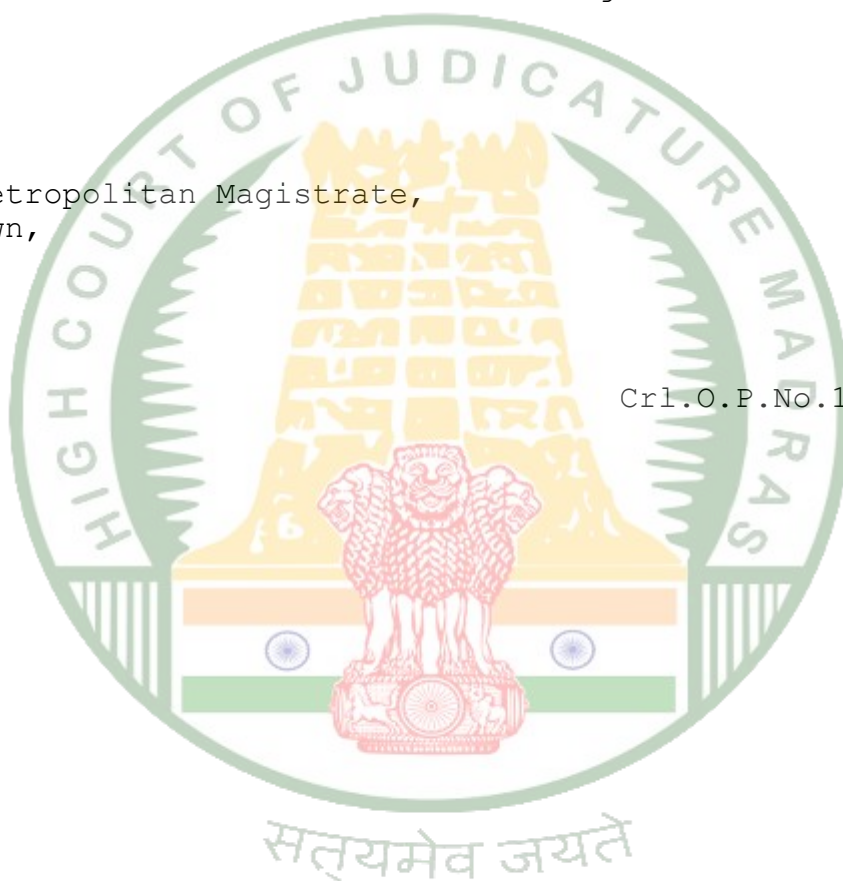
Sub-Assistant Registrar

To

The VII Metropolitan Magistrate,
George Town,
Chennai.

CA (CO)
sp/5/4

Cr1.O.P.No.1506 of 2012



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