

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 07.09.2017
CORAM
THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
Crl.OP No.29566 of 2012
& M.P.Nos.1 & 2 of 2012

T.B.Sudharshanam

..Petitioner
Vs

S.Jayaraman

..Respondent

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records relating to C.C.No.305/2012 on the file of the Fast Track Court, Magistrate Level, Tiruvallur and quash the same.

For Petitioner : M/s.C.S.Saravanan
For Respondent : Mr.R.Rajesh Vivekanandhan

O R D E R

This petition has been filed to quash the private complaint filed under Section 138 of the Negotiable Instruments Act.

2. The case of the complainant is that the petitioner herein purchased rice bags on 19.09.2010 for the value of Rs.1,70,190/- and to discharge the debt, apart from paying cash of Rs.20,000/-, he issued a cheque for a sum of Rs.1,50,190/-. When it was presented for realisation, it was returned with an endorsement on the ground of "Stop Payment".

3. The complainant issued a statutory notice dated 24.07.2012 requesting the accused to pay the cheque amount. Though the petitioner / accused received the notice, he has not paid the said amount. Hence, the complainant filed a complaint before the Fast Track Court, Magistrate Level, Tiruvallur. To quash the said complaint, the present Criminal Original Petition is filed by the accused.

4. The learned counsel for the petitioner would submit that the respondent is a rice merchant and one Rajasekar purchased rice from the respondent / complainant, in which, the petitioner has only acted as a commission agent.

5. The learned counsel for the petitioner further submitted that the three cheques issued by the said Rajasekar, got dishonoured, but the complainant did not take any action against

him. While so, on 24.07.2012, the petitioner was taken to the Police Station and by force, three cheques were obtained from the petitioner. The learned counsel further submitted that the complaint is an abuse of process of law.

6. On a perusal of the records, it revealed that prima facie materials are found against the petitioner. Therefore, at this juncture, this Court is not inclined to quash the private complaint. The Criminal Original Petition is dismissed accordingly. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

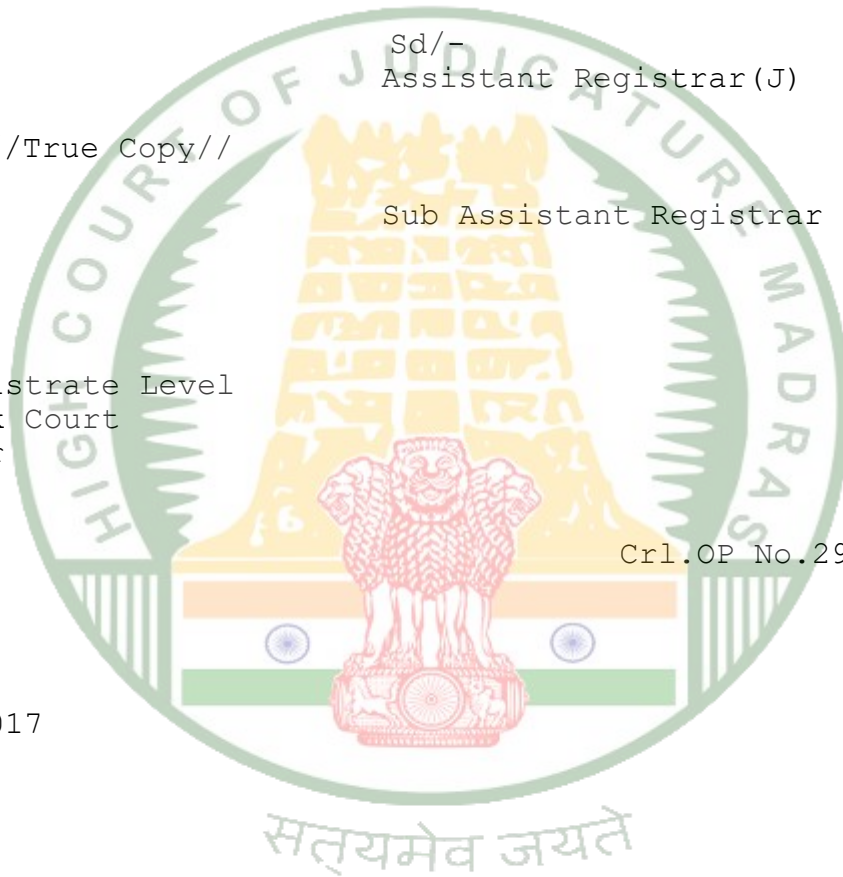
pvs

To

1.The Magistrate Level
Fast Track Court
Tiruvallur

Crl.OP No.29566 of 2012

kji(co)
aa01/11/2017



WEB COPY