



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.08.2017

CORAM

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CrI.O.P. (MD) No.10140 of 2017

and

CrI.M.P. (MD) Nos. 6924 and 6925 of 2017

Joseph Raj

... Petitioner / Accused

-VS-

Murugasan

... Respondent / Petitioner

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records in C.C.No.179 of 2017 on the file of the Learned Judicial Magistrate Court, Sivagiri and quash the same.

For Petitioner : Mr.R.Rajaraman

ORDER

This Criminal Original petition has been filed to quash the records in C.C.No.179 of 2017, on the file of the learned Judicial Magistrate Court, Sivagiri.

2.The criminal proceedings were initiated at the instance of the respondent under Section 138 of the Negotiable Instruments Act and under Section 200 of Cr.P.C for dishonor of cheques issued by the petitioner.

3.The learned counsel for the petitioner has a different version with regard to the entire transaction and he referred to the notice alleged to have been issued by the petitioner to the respondent's brother, stating that the petitioner had financial dealings only with the respondent's brother.

4.The learned counsel for the petitioner submits that cheques which were handed over to the respondent's brother only and that the said cheques have been misused for the purpose of registering a false case against the petitioner. Even if the case of the petitioner is accepted, the respondent as a holder in due course can maintain the complaint. The facts narrated in this petition cannot be countenanced at this stage for quashing the criminal proceedings. The complaint given by the respondent has to be gone into on merits at the time of trial and based on the evidence. Hence, this Court is not inclined to entertain this petition. The petitioner has approached this Court only to drag the proceedings



without any legal ground. Hence, the above Criminal Original Petition is dismissed. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CO)

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/True Copy/

Sub Assistant Registrar

To

The Judicial Magistrate,
Sivagiri.

+1cc to Mr.R.Rajaraman, Advocate Sr.No.70010

CMR/GSP

VB/KK/SAR1/07/09/2017/2P/3C

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