



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.10.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL.OP.(MD)No.12658 of 2017 and
CRL.M.P.(MD)Nos.8728 & 8729 of 2017

M.Ravichandran

... Petitioner/Accused

Vs.

C.Velusamy

... Respondent/Complainant

PRAYER: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to call for the records relating to the case in S.T.C.No.472 of 2007 on the file of the learned Chief Judicial Magistrate, Tirunelveli, and to quash the same as illegal.

For Petitioner : M/s.M.Benazir Begum

ORDER

This Criminal Original petition is filed for quashing the criminal proceedings in S.T.C.No.472 of 2007 on the file of the learned Chief Judicial Magistrate, Tirunelveli.

2. Heard the learned counsel appearing for the petitioner.

3. The petitioner is the accused in a private complaint filed by the respondent as against the petitioner under Sections 138 and 142 of Negotiable Instruments Act. The complaint was on the basis of a cheque for a sum of Rs.10,00,000/- alleged to have been issued by the petitioner to the respondent.

4. It is stated in the complaint that the petitioner had borrowed a sum of Rs.10,00,000/- for urgent family expenses with the promise to settle the same within six months. It is further stated that the petitioner later issued a cheque for a sum of Rs.10,00,000/-, dated 04.01.2017 in favour of the respondent, when the respondent demanded for payment of the amount borrowed by the petitioner. It is admitted by the petitioner that the cheque was issued by the petitioner. It is also admitted that the cheque was presented for collection and it was returned to the respondent with an endorsement to the effect that the account itself was closed on 08.01.2007. After satisfying the provisions, the



complaint was lodged. The only ground on which the quash petition filed is that the cheque was not supported by consideration and that there is no specific averments in the complaint as to how and what purpose the cheque was issued by the petitioner to the respondent.

5. Going by the complaint filed under Section 138 and 142 of Negotiable Instruments Act, in S.T.C.No.472 of 2007 on the file of the learned Judicial Magistrate, Tirunelveli, it is seen that specific averments are found with regard to the huge sum of Rs.10,00,000/- borrowed by the petitioner from the respondent on 20.06.2006 and the issuance of the cheque on 04.01.2007, when the respondent demanded for payment of the money borrowed by the petitioner.

6. This Court find no other ground to quash the proceedings. Though the complaint was lodged in the year 2007, the petitioner has come forward with this petition after a period of ten years. In these circumstances, this Court is not inclined to entertain this petition and the Criminal Original petition is dismissed.

7. The learned counsel for the petitioner submitted that the appearance of the petitioner may be dispensed with.

8. Having regard to the fact that the complaint was lodged in the year 2007 and the proceedings before the lower Court has been dragged on for more than ten years, this Court is not inclined to consider the request of the petitioner. However, it is open to the petitioner to file a petition for dispensing with the appearance of the petitioner before the lower Court and the same will be decided on merits. Consequently, connected Miscellaneous petitions are closed.

Sd/-
Assistant Registrar(P&A)

/True Copy/

Sub Assistant Registrar

To

The Chief Judicial Magistrate, Tirunelveli.

Pmu
MAS/GT/SAR3:20.10.2017:2P-2C

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