



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.11.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL.OP.(MD).No.15221 of 2017 and
CRL.M.P.(MD)Nos.10122 & 10123 of 2017

N.P.A.Ganesan . . . Petitioner/Sole Accused

Vs.

R.Sakthivel . . . Respondent/Complainant

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records relating to C.C. No.78 of 2017 on the file of the learned Judicial Magistrate No.I, Karur and to quash the same.

For Petitioner : Mr.V.Singan

ORDER

This Criminal Original petition is filed for quashing the criminal proceedings in C.C.No.78 of 2017 on the file of the learned Judicial Magistrate No.I, Karur.

2. Heard the learned counsel appearing for the petitioner.

3. The petitioner is the sole accused in C.C.No.78 of 2017 filed under Section 138 of Negotiable Instruments Act on the file of the learned Judicial Magistrate No.I, Karur.

4. The only contention raised by the learned counsel for the petitioner is that the cheque is not supported by any consideration and it was only giving as a security for a loan transaction. Since there is no legal and enforceable debt, it is submitted by the learned counsel for the petitioner that the complaint is not maintainable.

5. This Court and the Hon'ble Supreme Court have repeatedly held that the contentious issues or disputed questions of fact cannot be countenanced at this stage where the petition is filed for quashing the complaint. Except the factual contention raised by the petitioner in this petition, he has not raised any other



legal ground to quash the complaint which was lodged for an offence under Section 138 of Negotiable Instruments Act.

6. Considering the scope and power of this Court under Section 482 of Cr.P.C., this Court is not in a position to consider this case as a case where allowing the proceedings to go on will be an abuse of process of law or will be a great injustice to the petitioner who is the sole accused in this case. Hence, the Criminal Original petition is dismissed as devoid of merits. Consequently, connected Miscellaneous petitions are closed.

Sd/-

Assistant Registrar(Records)

/True Copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate No.I, Karur.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Pmu

AE/JC/SAR2/22.11.2017/2P/3C

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