



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED:21.12.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

WEB COPY

CRL.O.P.(MD)No.17602 of 2017 and
M.P(MD).Nos.11526 and 11527 of 2017

T.V. Pattan

: Petitioner / Accused

-Vs-

S.E. Selvaraj

: Respondent

PRAYER: Criminal Original petition filed under Section 482 of Criminal Procedure Code, to call for the records of the complaint in S.T.C.No.252 of 2017 pending on the file of the learned Judicial Magistrate No.III, Thirunelveli and quash the same.

For Petitioner

: Mr.V.Angusamy

O R D E R

This Criminal Original petition is filed for quashing the complaint in S.T.C.No.252 of 2017, pending on the file of the learned Judicial Magistrate No.III, Thirunelveli.

2. The case of the petitioner is that he is an accused in the private complaint lodged by the respondent, against the petitioner, for the offence under Section 138 of Negotiable Instruments Act. The petitioner even in his petition admitted that the cheque was issued on 01.09.2016 and the same was presented on 02.09.2016 and returned on 02.09.2016 indicating "Payment Stopped by Drawer". It is also admitted that the complaint was lodged on 24.10.2016. However, the learned counsel appearing for the petitioner states that the cheque, which was utilised by the petitioner in the complaint was fraudulently / stealthily taken from the petitioner by the respondent and that therefore, the complaint itself is not maintainable. Further, the learned counsel appearing for the petitioner states that the petitioner has not received the notice. But he himself admits that notice has been returned un-claimed.

3. Except the factual contentions, no other legal ground is raised by the petitioner. Hence, there is no merit in this petition and accordingly, the Criminal Original Petition is dismissed. It is open to him to raise his contentions that the



cheques were stealthily removed from the custody of the petitioner by the respondent or that there was no statutory notice before filing the petition. Consequently, connected Miscellaneous Petitions are closed.

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Sd/-
Assistant Registrar(RTI)

/True Copy/

Sub-Assistant Registrar

To

The learned Judicial Magistrate No.III,
Thirunelveli

+One cc to Mr.V.Augusamy, Advocate, SR.No.94619

trp

RL/3C/2P/KKR/SAR3/22/1/2018

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