

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 06.03.2017****CORAM:****THE HONOURABLE MR.JUSTICE P.N.PRAKASH****Crl.O.P.(MD) No.1766 of 2017****and****Crl.M.P.(MD) Nos.1428 & 1429 of 2017**

R.Sivaperumal ... Petitioners/Accused

vs.

A.Chinnadurai ... Respondent/Complainant

PRAYER: This petition is filed under Section 482 Cr.P.C., to call for the records and quash the same in S.T.C.No.76 of 2017, on the file of the Judicial Magistrate's Court, Pattukottai.

For Petitioner : Mr.D.Anbarasu

O R D E R

The respondent / complainant lodged a private complaint, in S.T.C.No.76 of 2017, before the learned Judicial Magistrate, Pattukottai, against the petitioner / accused, for the offence under Section 138 of the Negotiable Instruments Act. Challenging the same, the petitioner / accused is before this Court.

2. Heard the learned counsel for the petitioner / accused.

3. It is the case of the respondent / complainant that the petitioner / accused had borrowed a sum of Rs.7,00,000/- (Rupees seven lakhs only) from him and in discharge of the liability, the petitioner / accused issued a cheque, dated 10.09.2016, drawn on Axis Bank, Eraiyur Branch and when the respondent / complainant presented the cheque for encashment with his banker, it was returned with an endorsement "Account Closed" and therefore, the respondent / complainant issued a legal notice, dated 19.11.2016, to the petitioner / accused and thereafter, he lodged the present private complaint.

4. The learned counsel for the petitioner / accused submitted that the petitioner / accused does not know the respondent / complainant at all and that the respondent / complainant lost the impugned cheque and for which, he had lodged a police complaint



and obtained C.S.R., number also from the Police and thereafter, he has closed the account. Therefore, the present proceedings initiated by the respondent / complainant against the petitioner / accused is an abuse of process of law.

5. In the considered opinion of this Court, the respondent / complainant is known to the petitioner / accused or not etc., are disputed questions of facts, which cannot be gone into in an application filed under Section 482 Cr.P.C. Under such circumstances, this criminal original petition fails and it is dismissed. However, the petitioner / accused is at liberty to raise all the points before the Trial Court.

6. At this juncture, the learned counsel for the petitioner / accused submitted that if any direction to complete the trial within a stipulated period is granted to the Trial Court, the petitioner / accused will co-operate for early disposal of the case.

7. Accepting the said submission, the learned Judicial Magistrate, Pattukottai, is directed to complete the trial, in S.T.C.No.76 of 2017, within a period of six months from the date of receipt of a copy of this order, provided the petitioner / accused co-operates for early disposal of the case. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CO)

/True copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate, Pattukottai.

2. Do through The Cheif Judicial Magistrate,
Kumbakonam at Thanjavur District.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 cc to M/s.D.Anbarasu, Advocate in SR.No.12766

krk

CSL/PM-PN/17.03.2017 :2P/5C

Cr1.O.P. (MD) No.1766 of 2017

and

Cr1.M.P. (MD) Nos.1428 & 1429 of 2017

06.03.2017