

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.03.2018

CORAM:

THE HONOURABLE MR JUSTICE RMT.TEEKA RAMAN

Cr1.O.P.No.2397 of 2011

B.Vinesh ... Petitioner
Vs.

K.Sudhakaran ... Respondent

PRAYER: Criminal Original Petition filed under Section 482 praying to call for records pertaining to S.T.C.No.522 of 2009 on the file of Judicial Magistrate No.1, Coimbatore and quash the same.

For Petitioner : Mr.B.Nedunchezhiyan
For Respondent : No Appearance

ORDER

The prayer sought for in the present petition is to call for records pertaining to S.T.C.No.522 of 2009 on the file of the learned Judicial Magistrate No.1, Coimbatore and quash the same.

2. Though, notice has been served to the respondent, neither the respondent nor any counsel appeared on his behalf.

3. The counsel for the petitioner contended that in respect of his account, the petitioner had already addressed a letter dated 28.06.2007 to the Branch Manager, Indian Bank, Thudiyalur Branch, Coimbatore to close his account on the ground that some of the cheque leaves were lost. According to the learned counsel for the petitioner, the cheque bearing No.384331, dated 19.06.2008 was presented to the Indian Bank through Thudiyalur Branch, Coimbatore for collection and the same was returned with an endorsement "Insufficient Funds" on 25.06.2008 and based upon the reply, he wrote a letter to the Bank under RTI Act to provide some details about his account and the reply was given by the Indian Bank to the petitioner on 23.07.2008. Hence the learned counsel sought for quashing of the complaint .

4. Admittedly, though a letter has been received from the

Account was not closed. The cheque bearing No.384331 dated 19.06.2008 which was presented for encashment, appears to have been returned with an endorsement " Insufficient Funds" as there is no current account for the petitioner.

5. Considering the facts and circumstances of the case, this court does not find any reason to quash the proceedings in S.T.C.No.522 of 2009 pending on the file of the learned Judicial Magistrate No.1, Coimbatore. Hence this Criminal Original petition is dismissed.

TRUE COPY
Sd
ASSISTANT REGISTRAR (CS VII)
SUB ASSISTANT REGISTRAR

TO
THE JUDICIAL MAGISTRATE NO. I, COIMBATORE.

1CC TO MR. : Mr.B.Nedunchezhiyan ADVOCATE SR.NO. 20582

DM
10 APRIL 2018

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सत्यमेव जयते
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