

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 11.06.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.O.P.No.15155 of 2018
and Crl.M.P.Nos.7665 & 7666 of 2018

N.Shanmugha Sundaram .. Petitioner
Vs

M/s.Mahalaxmi & Sons Firm,
Rep. by its Authorized representative,
N.Chandrasekar .. Respondent

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to call for the records in C.C.No.2393 of 2018 on the file of the III Fast Track Court, Saidapet, and quash the same.

For Petitioner : Ms.R.Saranya

O R D E R

This petition has been filed to quash the proceedings in C.C.No.2393 of 2018 on the file of the III Fast Track Court, Saidapet, Chennai.

2.For the sake of convenience, the parties will be referred to as complainant and accused. It is the case of the complainant that the accused had borrowed Rs.10,00,000/- on 01.06.2015 and had issued a demand promissory note for the said amount. Towards the principal and interest, the accused issued a cheque for Rs.15,00,000/- on 01.02.2017; that the complainant presented the cheque on 09.02.2017 was dishonoured for insufficient funds; that the complainant issued a notice dated 14.02.2017, which was received by the accused; that therefore, the complainant has initiated a prosecution in C.C.No.2393 of 2018 and the same is pending on the file of the III Fast Track Court-Magisterial Level, Saidapet. Challenging the prosecution, the accused is before this Court.

3.Heard Ms.R.Saranya, learned counsel for the accused who submitted that the accused had already paid the entire amount to the complainant. But, however, the complainant was dodging the

accused by not returning the promissory note and the cheque which was taken as security.

4.In the considered opinion of this Court, this is a disputed question of fact, which cannot be gone into in a proceedings under Section 482 of Cr.P.C. It is open to the accused to cross-examine the complainant on these aspects and establish that there was no debt due to the complainant. In the result, this petition is closed with liberty to the petitioner to raise all the points before the trial Court. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

- 1.The Fast Track Court No.III,
Saidapet.
- 2.The XVII Metropolitan Magistrate,
Saidapet.
- 3.The Chief Metropolitan Magistrate,
Egmore, Chennai-8

+1cc to Ms.R.Saranya, Advocate in sr.no.36143

सत्यमेव जयते

CRL.O.P.No.15155 of 2018
and

Crl.MP Nos.7665 & 7666 of 2018

rr(co)
nr 27/06/2018

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