

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:21.12.2018

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.30211 of 2018
and
Crl.M.P.Nos.17748 & 17750 of 2018

K.Sakthivel

... Petitioner

Vs.

B.Komagan

...Respondent

Prayer: Criminal Original petition filed under Section 482 of the Criminal Procedure Code, to call for the records relating to S.T.C.No.22 of 2018 pending on the file of the Judicial Magistrate No.I, Virdhachalam and to quash th said proceedings as against the petitioner herein.

For Petitioner : Mr.S.Sankar

O R D E R

This petition has been filed seeking to quash the proceedings in S.T.C.No. 22 of 2018 pending on the file of the learned Judicial Magistrate No.I, Virthachalam.

2. The respondent has filed a complaint against the petitioner for an offence under section 138 of Negotiable Instruments Act. The cheque amount involved in this case is a sum of Rs.2,00,000/-. The learned counsel for the petitioner would submit that the petitioner has already settled a sum of Rs.90,000/- and only a balance of Rs.1,10,000/- has to be settled by the petitioner. This stand has been taken by the petitioner in the reply notice sent to the respondent. Therefore, the learned counsel would submit that there is no debtor liability to the extent of Rs.2,00,000/- on the part the petitioner.

3. The issue, that has been raised by the petitioner has to be gone into only before the Court below. This factual issue can not be decided before this Court in exercise of its

jurisdiction under Section 482 of Criminal Original Petition. If the petitioner wants to settle the balance amount, the petitioner can always make necessary request before the Court below and settle the amount to the respondent and thereafter, compound the offence.

4. This Court is not inclined to interfere with the proceedings at this stage. Accordingly, this criminal original petition stands disposed of. Consequently, connected miscellaneous petitions are closed.

nmm/dss

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

1. The learned Judicial Magistrate No.I,
Virthachalam.
2. The Public Prosecutor,
Madras High Court, Chennai.

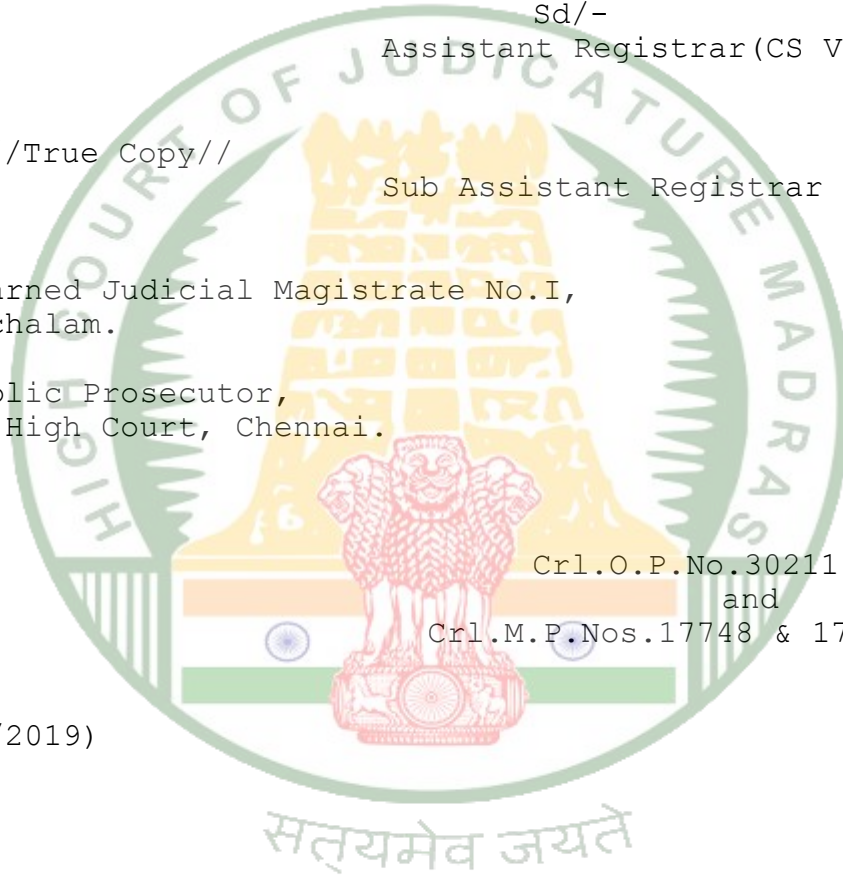
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SSV(CO)

KAK(31/01/2019)



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