



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.09.2018

CORAM:

THE HONOURABLE MR. JUSTICE G.K. ILANTHIRAIYAN

Crl.O.P.[MD].No.864 of 2014

and

Crl.M.P.[MD].No.1 of 2014

M.Ravisankaran

: Petitioner/Sole Accused

Vs.

S.Manthiramoorthi

: Respondent/Complainant

PRAYER : Criminal Original Petition is filed under Sections 482 of Cr.P.C. to call for the records relating to the complaint in S.T.C.No.247 of 2013 on the file of the learned Judicial Magistrate No.I, Tirunelveli and quash the same.

For Petitioner: M.Subash Babu

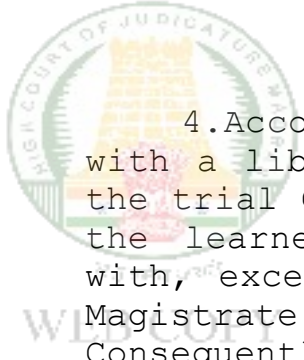
ORDER

The Criminal Original Petition has been filed to quash the case in S.T.C.No.247 of 2013, on the file of the learned Judicial Magistrate No.I, Tirunelveli. The said case has been filed for the offence under Section 138 of the Negotiable Instruments Act.

2.The petitioner filed this quash petition on the following grounds:-

The petitioner borrowed a sum of Rs.6,50,000/- from one Ponraj @ Anand and thereafter, the said amount was repaid to the said person. At the time of borrowing the loan, the said Ponraj @ Anand obtained six signed cheque leafs and six signed blanked white papers from the petitioner. After repaid the borrowed amount, the said Ponraj @ Anand did not return the same. But the respondent has also issued notice and thereafter, filed the said S.T.C., by misusing the said six signed blanked cheques. Hence, the present original petition has been filed by the petitioner to quash the said S.T.C.

3.The said ground raised by the petitioner is a question of fact and has to be gone into trial and it cannot be considered at this stage under Section 482 of Cr.P.C. Therefore, this Court is not inclined to quash the complaint.



4. Accordingly, this criminal original petition is dismissed with a liberty to the petitioner to raise all the grounds before the trial Court. However, the appearance of the petitioner before the learned Judicial Magistrate No.1, Tirunelveli is dispensed with, except the dates of hearing on which, the learned Judicial Magistrate insisted the petitioner to appear before the Court. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar (CS-III)

To

1. The Judicial Magistrate No.1,
Tirunelveli.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

SJI

BU/SKN/SAR-III : 11.10.2018 : 2P/3C

Cr1.O.P. [MD] .No.864 of 2014
and

Cr1.M.P. [MD] .No.1 of 2014
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