



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.10.2018

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P(MD) No.11894 of 2016

and

CrI.M.P.(MD) Nos.5695 and 5696 of 2016

M.Kaliamurthy

... Petitioner/Accused

vs.

A.Marimuthu

... Respondent/Complainant

Prayer: This Criminal Original filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to S.T.C No. 2439/2011 pending on the file of the Judicial Magistrate No.II Kumbakonam, and quash the said proceedings as against the petitioner.

For Petitioner : Mr.V.Manikandan

For Respondent : Mr.K.Guhan

ORDER

This criminal original petition has been filed to quash the proceedings in S.T.C No. 2439/2011 on the file of the learned Judicial Magistrate No.II, Kumbakonam.

2.The grounds that have been raised by the petitioner are that the petitioner never borrowed any loan from the respondent and he never handed over any cheque to the respondent. That apart, the petitioner had only borrowed in the year 2009 and the same has also been settled in favour of the respondent. Therefore, the petitioner has stated that the complaint before the Court below is an abuse of process of law.

3.The grounds that have been raised by the petitioner are all factual in nature and this Court cannot go into those facts at the time of hearing a petition to quash the proceedings. It is left open to the petitioner to raise all the grounds before the Court below and the Court below shall consider the same on its own merits and in accordance with law.

4.In view of the above, this criminal original petition is dismissed with a direction to the Court below to dispose of the proceedings in S.T.C No. 2439 of 2011 within a period of three months from the date of receipt of a copy of this order. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(Records)

/True Copy/



To

The Judicial Magistrate, No.II,
Kumbakonam.

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10.10.2018

MM

ES/RP/SAR 4/13.11.2018/2P/2C