



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.10.2018

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL.O.P. (MD) No.9398 of 2017

and

CrI.M.P. (MD) Nos.6396 and 6397 of 2017

P.Shanmughasundaram

... Petitioner

Vs

M/s.Redington (India) Limited,
represented by its Accounts Executive,
Mr.S.Venkatesh,
C-48B, First Floor,
11th Cross Road,
Thillai Nagar,
Trichy - 620 018.

... Respondent

PRAYER: Criminal Original Petitions filed under Section 482 of Cr.P.C, to call for the records connected with S.T.C.No.27 of 2017 on the file of the Judicial Magistrate IV, Tiruchirapalli and quash the same.

For Petitioner	: Mr.G.Anbu Saravanan
For Respondent	: Mr.K.Rajeshwaran

ORDER

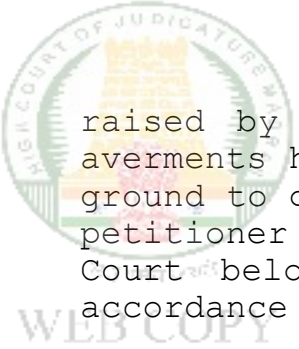
This petition has been filed to quash the proceedings in S.T.C.No.27 of 2017 on the file of the Judicial Magistrate IV, Tiruchirapalli.

2.This petition has been filed on the ground that the petitioner is totally a stranger to the complainant and he had no dealing with the complainant. That apart, the petitioner has also taken the ground that there is no documentary evidence to prove that there is a legally enforceable debt or liability from the petitioner to the complainant.

3.The learned counsel for the petitioner would submit that no specific averment has been made against this petitioner in order to satisfy the requirements of Section 141 of the Negotiable Instruments Act.

<https://hcservices.ecourts.gov.in/hcservices/>

4.This Court is of the considered view that all the issues



raised by the petitioner are all factual in nature. Sufficient averments have been made in the complaint and therefore, there is no ground to quash the complaint at this stage. 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.

5. In the result, this criminal original petition is dismissed and the Court below is directed to complete the proceedings in S.T.C.No.27 of 2017 within a period of three months from the date of receipt of copy of this order and report before this Court after completion of the proceedings. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Crl.side)

/True Copy/

Sub Assistant Registrar (CS-IV)

To

The Judicial Magistrate No.IV,
Tiruchirapalli.

+ 1 CC TO Mr.K.RAJESHWARAN, ADVOCATE IN SR No. 93622

MM

TE/SV/SAR-4 : 30/11/2018 : 2P/3C

CRL.O.P. (MD) No.9398 of 2017
30.10.2018