



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.09.2018

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P. (MD) No.15741 of 2018

and

Crl.M.P. (MD) Nos.6989 and 6990 of 2018

N.Sankar

... Petitioner

Vs.

S.Alexandar

...Respondent

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records and quash the STC No.1793 of 2017 on the file of the learned Judicial Magistrate, Alangulam.

For Petitioner: Mr.P.Bhaskar

ORDER

This Criminal Original Petition has been filed to quash the proceedings in STC No.1793 of 2017 on the file of the learned Judicial Magistrate, Alangulam.

2.It is seen that the case arises out of 138 proceedings initiated by the respondent against the petitioner. The learned counsel for the petitioner would submit that the subject matter cheque is already a subject matter in the FIR registered in Crime No.665 of 2017, based on the complaint given by the petitioner against one Senthilkumar and the same is pending investigation before the Pettai Police Station, Tirunelveli District.

3.The learned counsel for the petitioner would further submit that for the statutory notice that was issued prior to the filing of the complaint, the petitioner has given a categorical reply, wherein, he has denied the execution of the cheque and has also denied the entire liability.

4.The grounds that have been raised by the petitioner are grounds, which can be validly raised before the Court below as defence in the 138 of Negotiable Instruments Act Complaint. All the grounds that have been raised by the learned counsel for the petitioner cannot be taken into account by this Court while



exercising its jurisdiction under Section 482 of Cr.P.C.,

5. Accordingly, this criminal original petition is dismissed giving liberty to the petitioner to raise all the grounds that have been raised in this criminal original petition, in the complaint pending in S.T.C.No.1793 of 2017. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (RECORDS)

// True Copy //

Sub Assistant Registrar (CS-II)

To

The Judicial Magistrate,
Alangulam,
Tirunelveli District.

+ 1 CC TO MR.P.BHASKAR, ADVOCATE IN SR NO.82065

MM

BU/SKN/SAR-II : 28.09.2018 : 2P/3C

Cr1.O.P. (MD) No.15741 of 2018
04.09.2018