



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.10.2018

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.(MD).No.17860 of 2018

and

Crl.M.P.(MD).Nos.7904 and 7905 of 2018

M.Ravichandran

... Petitioner

Vs.

Sree Gokulam Chit & Finance (P) Limited,
Musiri Branch represented by its
Assistant Business Manager
S.Jayamurugan,
1/6, 1/7 ARM Complex,
Opp. Amala Girls Higher Secondary School,
Thuraiyur Road, Musiri,
Trichy District 621 211.

... Respondent

Prayer: The Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code to call for the records in S.T.C.No.403 of 2018 on the file of the Judicial Magistrate Court, Musiri and quash the same.

For Petitioner : Mr.N.Sudhagar Nagaraj

O R D E R

This Criminal Original Petition has been filed seeking to quash the proceedings in S.T.C.No.403 of 2018 on the file of the Judicial Magistrate Court, Musiri.

2. The petitioner is an accused facing proceedings under Section 138 of the Negotiable Instruments Act.

3. The case of the petitioner is that the respondent, who received a cheque as a security for chit fund transaction, has misused the said cheque and filed a false complaint before the Court below.

4. The ground that has been raised by the petitioner cannot be gone into under Section 482 of Cr.P.C., at the time of considering the petition to quash the complaint. The ground that has been raised requires factual appreciation which can be done only before the Court below, in the course of trial.



5. The learned counsel for the petitioner would submit that the petitioner wants to settle the issue with the respondent. In such a case, the petitioner can always make that request before the Court below, since after coming into force of Section 147 of Negotiable Instruments Act, the offence under Section 138 of N.I.Act has now been made compoundable.

6. In view of the above, this Court does not find any ground to quash the proceedings in S.T.C.No.403 of 2018 on the file of the Judicial Magistrate Court, Musiri. Accordingly, the Criminal Original Petition is dismissed. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar (CS-IV)

To

The Judicial Magistrate,
Musiri.

+1 CC To MR.N.SUDHAGAR NAGARAJ, Advocate SR. NO. 89560

Cr1.O.P.(MD).No.17860 of 2018
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