



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2019

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.32325 of 2013

and

M.P.No.1 of 2013

R.M.Mohan

... Petitioner/Accused

Vs.

Shanmugam

... Respondent/Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records pending on the file of the Fast Track Court-III, Metropolitan Magistrate, Saidapet, Chennai in C.C.No.4464 of 2013 and quash the Criminal Proceedings.

For Petitioner : No appearance

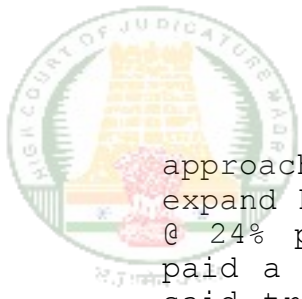
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O R D E R

Criminal Original Petition filed to call for the records pending on the file of the Fast Track Court-III, Metropolitan Magistrate, Saidapet, Chennai in C.C.No.4464 of 2013 and quash the Criminal Proceedings.

2.The petitioner is an accused in the case filed by the respondent/complainant for the offence under Section 138 of Negotiable Instruments Act, which is pending trial in C.C.No.4464 of 2013 before the Metropolitan Magistrate Fast Track Court No.III, Saidapet, Chennai.

3.The case is that the respondent was doing building construction business and also supplying building materials. The petitioner was introduced to the respondent through his close friend and he was doing share market business and had



approached the respondent for a business loan of Rs.15 lakhs to expand his share market business and assured to pay the interest @ 24% per annum. Believing his representation the respondent paid a sum of Rs.15 lakhs by cash on various dates. The above said transaction took place in the presence of the respondent's friend. For discharging the above said amount the petitioner had issued two cheques and the details are given below:

SI. No.	Cheque No.	Dated	Amount	Drawn on
1	686627	13.05.2013	Rs.5,00,000 /-	HDFC Bank, Anna Salai Branch, Chennai - 600 002.
2	8783308	09.05.2013	Rs.5,00,000 /-	HDFC Bank, Anna Salai Branch, Chennai - 600 002.

4. Thereafter, when the cheques were presented for encashment the same were returned with an endorsement "ACCOUNT CLOSED". Statutory notice was issued on 17.06.2013 and the accused had received the same on 24.06.2013 and had sent a reply. It is seen that the points raised by the petitioner are factual one which cannot be decided in this quash petition.

5. In view of the same, this Criminal Original Petition stands dismissed. However, the trial Court is directed to complete the trial and dispose of the case in C.C.No.4464 of 2013, as expeditiously as possible, within a period of four months from the date of receipt of a copy of this order by issuing notice to both the complainant and the respondent. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

ah



To

The Metropolitan Magistrate
Fast Track Court No.III,
Saidapet,
Chennai.

Cr1.O.P.No.32325 of 2013

nr 20/08/2019