

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.10.2019

CORAM

THE HONOURABLE MR. JUSTICE M.S. RAMESH

Crl.O.P.No.16253 and 16255 of 2019
and
Crl.M.P Nos.8127, 8131,12880 and 12881 of 2019

K.S.Prateep Kumar ...Petitioner in
Crl.O.P No.16253 of 2019

Srividhya ...Petitioner in
Crl.O.P No.16255 of 2019

Vs

M/s.Grand Style Constructions
Represented by its Proprietor
Flat No.G2, Block A, Plot No.32,
"Grand Exotica", Senthil Nagar,
3rd Street, Perungudi,
Chennai-96.

...Respondent in
both petitions

PRAYER in Crl.O.P No.16253 of 2019: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records and quash the proceedings in C.C No.151 of 2019 pending on the file of the Judicial Magistrate, Alandur.

PRAYER in Crl.O.P No.16255 of 2019: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records and quash the proceedings in C.C No.152 of 2019 pending on the file of the Judicial Magistrate, Alandur.

For Petitioner : Mr.T.K.S.Gandhi
(in both petitions)

For Respondent : Mr.S.Abubacker Sidhic
(in both petitions)

C O M M O N O R D E R

These two Criminal Original Petitions are filed seeking to quash the proceedings in C.C Nos.151 and 152 of 2019 pending on the file of the Judicial Magistrate, Alandur.

2. The grounds raised by the petitioners touches upon the facts which requires to be established in the trial. Based on the said facts, the learned counsel for the petitioners would try to impress this Court stating that there was no legally enforceable debt as against the cheques. I am not inclined to accept such grounds raised, since the facts with regard to the existence of liability has to be first established and then only, it can be decided as to whether there is legally enforceable debt or not. As such, this Court exercising its power under Section 482 of Cr.P.C may not be justified in relying on the facts for the purpose of quashing the proceedings.

3. In the light of the above observation, these Criminal Original Petitions stand closed. Consequently, the connected miscellaneous petitions are closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1.The Chief Judicial Magistrate
Alandur.

2.Do Thro The Chief Judicial Magistrate
Kancheepuram District

+2 Ccs to Mr.T.K.S.Gandhi, Advocate sr 90782 & 90781.

+2 Ccs to Mr.S.Abubacker Sidhic, Advocate sr 89874 & 89873.

Cr1.O.P.No.16253 & 16255 of 2019
Cr1.M.P Nos.8127, 8131, 12880,
and 12881 of 2019

VD(CO)
SP(19/11/2019)