

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.02.2019

CORAM :

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.26899 of 2017

and

Crl.M.P.Nos.15450, 15451 of 2017 & 13798 of 2018

V.P.Rahavendra Rao

... Petitioner

Vs.

Arun Devsee Gandhi

... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records relating to the criminal case in C.C.No.8 of 2016 on the file of the Fast Track Magistrate Court, Saidapet, (transferred from the learned II Metropolitan Magistrate, Egmore, Chennai), quash the same by allowing this Criminal Original Petition.

For Petitioner : Mr.N.Manokaran

For Respondent : Mr.Gaurav

for M/s.Kochhar and Co.

O R D E R

This Criminal Original Petition has been filed to call for the records relating to the criminal case in C.C.No.8 of 2016 on the file of the Fast Track Magistrate Court, Saidapet, transferred from the II Metropolitan Magistrate Court, Egmore, Chennai, and quash the same.

2.It is the case of the complainant that two cheques for a sum of Rs.25,00,000/- and Rs.9,00,000/- respectively, were issued by the petitioner to the respondent on the same date, viz. 31.12.2014 for a total sum of Rs.34,00,000/-, however, they were returned unpaid. Thereafter, once again, two impugned cheques bearing continuous numbers for a sum of Rs.25,00,000/- and Rs.9,00,000/- respectively, were issued to the respondent by the petitioner on the same date, viz. 11.04.2015, but, these cheques were also returned unpaid with an endorsement on the return memo as "insufficient funds".

3.The learned counsel for the petitioner would submit that two continuous cheques for huge amounts could not have been issued by the petitioner on the very same day on two occasions. Further, he would submit that, the cheques were not at all issued by the petitioner to the respondent. Therefore, he prays for quashment of the complaint.

4.It is seen from the complaint that, though, the cheques were issued on the same date, it cannot be said that the petitioner could not have issued the same to the respondent/de facto complainant. Further, all the points raised by the petitioner have to be established before the trial Court, during trial and the same cannot be considered now. Therefore, this Court is not inclined to quash the complaint. However, the petitioner is at liberty to raise all the points before the trial Court.

With the above observations, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petitions are closed.

s/d-  
Assistant Registrar (CS V)

True Copy

Sub-Assistant Registrar

mkn/sai  
To

The Fast Track Magistrate Court,  
Saidapet.

+1 CC to Mr.N.Manokaran, Advocate sr 17275.  
+2 Ccs to M/s.Kocchar & Co, sr 17288.

CrI.O.P.No.26899 of 2017 and  
CrI.M.P.Nos.15450, 15451 of 2017  
& 13798 of 2018

GJII (CO)  
SP(14/03/2019)

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