

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.07.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.1782 of 2020
and Crl.MP.Nos.1121 and 1122 of 2020

Riya David Rajan,
W/o.P.David Rajan,
No.1 & 2, Vaikasi Street,
No.G-1, B.Block,
Chinmaya Nagar,
Virugambakkam,
Chennai 600 092. Petitioner/Accused

Vs.

Sundara Rajan,
No.120/4, P.H.Complex,
Muthupettai Road,
Thriuthuraipoondi Taluk,
Thiruvarur District. Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to call for the record and quash the complaint in STC.No.33 of 2013 filed against the petitioner on the file of Fast Track Court, Thiruthuraipoondi, Thiruvarur District.

For Petitioner : No Appearance

For Respondent : No Appearance

ORDER जयते

This petition has been filed to quash the proceedings in STC.No.33 of 2013 on the file of the Fast Track Court, Thiruthuraipoondi, Thiruvarur District for the offence punishable under Section 138 of Negotiable Instruments Act.

2. The only ground raised by the petitioner is that the complainant does not disclose the full particulars of the complainant account number and he also failed to produce the account details. Therefore, the complaint is a defective one and the notice issued under 138 (b) of the Negotiable Instruments Act does not contain any material.

3. It is seen from the complaint that the petitioner borrowed a sum of Rs.7 lakhs as loan and towards the repayment of the same, he issued a cheque dated 01.02.2013 to the

respondent herein. When the same was presented for collection in the Bank on 02.04.2013, it was returned for "insufficient funds" with return memo dated 03.04.2013. Therefore, the respondent caused statutory notice on 15.04.2013 and the same was received by the petitioner herein on 18.04.2013. On receipt of the same, the petitioner did not give any reply, as such, the respondent initiated proceedings for the offence punishable under Section 138 of the Negotiable Instruments Act in STC.No.33 of 2013.

4. On perusal of the complaint, it is seen that the respondent / complainant enclosed the return memo dated 03.04.2013 and the statutory legal notice dated 15.04.2013. Therefore, this Court finds no merit in this petition to quash the proceedings in STC.No.33 of 2013. Accordingly, this petition is dismissed. However, since the complaint is of the year 2013, the Trial Court is directed to complete the trial within a period of six months from the date of receipt of a copy of this order, if not already disposed of. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CO MDU)

//True copy//

Sub Assistant Registrar

pvs

To

1. The Fast Track Court, Thiruthuraipoondi,
Thiruvarur District
2. The Public Prosecutor,
High Court, Madras.

Cr1.O.P.No.1782 of 2020
and Cr1.MP.Nos.1121 and 1122 of 2020

NMI (CO)
GMY (10/09/2020)

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