

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 22.07.2020
CORAM
THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN
Crl. O.P. No.1805 of 2020
and Crl. M.P. Nos.1132 and 1133 of 2020

Mohan

... Petitioner/Accused

vs.

Selvaraj

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to quash the complaint in S.T.C. No.72 of 2017 on the file of the Fast Track Judicial Magistrate Court at Nagapattinam, Nagapattinam District.

For Petitioner : Mr. S.Giritharan

For Respondent : Mr. V.Ramesh Kumar

ORDER

This petition has been filed to quash the complaint in S.T.C. No.72 of 2017 on the file of the Fast Track Judicial Magistrate Court, Nagapattinam District.

2. It is seen that there is money dispute between the petitioner and the respondent herein. According to the petitioner, the respondent and the petitioner was known to each other and for the purpose of financial assistance, the petitioner borrowed a sum of Rs.5,50,000/- and towards repayment of the same, the petitioner had issued cheques and the cheques were presented and the same was returned for the reason "Insufficient Funds" and therefore, the respondent sent a legal notice dated 26.09.2016, and the same was returned as "Intimation delivered and not claimed". It is the contention of the petitioner that the respondent initiated proceedings against him for offence under Sections 138 & 142 of Negotiable Instruments Act. Further, the grounds raised by the petitioner are nothing but mixed question of facts and this cannot be considered before this Court under Section 482 Cr.P.C. Therefore, this Court finds no merits in this petition.

3. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petitions are closed. However, the petitioner is at liberty to raise all the grounds before the trial Court.

-s/d-
Assistant Registrar

True Copy
Sub-Assistant Registrar

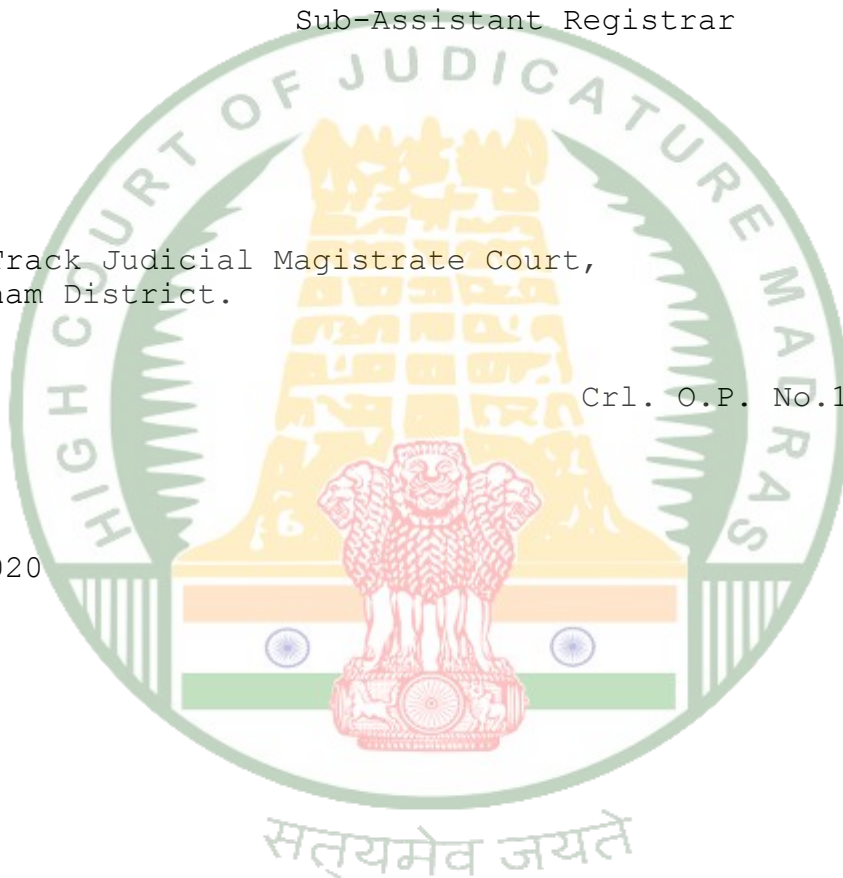
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To

The Fast Track Judicial Magistrate Court,
Nagapattinam District.

Crl. O.P. No.1805 of 2020

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