

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.07.2020

CORAM

THE HONOURABLE Mr. JUSTICE G. K. ILANTHIRAIYAN

Crl.O.P.No.8265 of 2018
and
Crl.M.P.Nos.4252 and 4253 of 2018

Sivakumar,
Proprietor,
Winstar India City Developers,
No.222/4, SPS Complex, Second Floor,
Opp. ARRS Multiplex Theater,
Salem - 4.Petitioner

Vs

S. Shanmugam,
S/o. Subramani,
No.64/1, Vakkil Kitta Musthafa Street,
Pudupet, Attur,
Salem District.Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records relating to S.T.C.No.8 of 2018 on the file of the Judicial Magistrate Court No.I, Attur, Salem District and to quash the same.

For Petitioner : Mr. M. Rajadurai
for Mr. N. Anand
For Respondent : No appearance

ORDER

This petition has been filed to quash the proceedings in S.T.C.No.8 of 2018 on the file of the learned Judicial Magistrate Court No.I, Attur, Salem District.

2. The only ground raised by the petitioner is that the alleged cheque was given only for security purpose for the amount deposited with the petitioner company. Therefore, there is no legally enforceable debt as required under Section 138 of the Negotiable Instruments Act.

3. It is also averred that no statutory notice was served to the petitioner as required under Section 138 of the Negotiable Instruments Act. These grounds are except question of facts and as such cannot be considered before this Court for the quash petition filed under Section 482 of Cr.P.C. That apart on perusal of the complaint the statutory notice was duly sent to the prison through the gate keeper and the same was duly received by him on 28.09.2019.

4. Considering the facts and circumstances of the case, this Court finds no merit in this case. Therefore, this Court is not inclined to quash the proceedings in S.T.C.No.8 of 2018 in Crime No149 of 2017 on the file of the Judicial Magistrate Court No.1, Attur, Salem District. The petitioner is at liberty to raise all the grounds before the trial Court. The trial Court is directed to complete the trial within a period of six months from the date of receipt of copy of this Order.

5. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

SSI

To

1.The Judicial Magistrate Court No.I,
Attur, Salem District.

+1cc to Mr.C.Prabakaran, Advocate, S.R.No.24820

Cr1.O.P.No.8265 of 2018

and

Cr1.M.P.Nos.4252 and 4253 of 2018

RSV(CO)
KKV/21/08/2020

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