

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.02.2020

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.O.P.No.21350 of 2014  
and M.P.Nos.1 & 2 of 2014

M.Ezhilarasan,

... Petitioner

-Vs-

R & A Business Ventures Pvt. Ltd.,  
rep. by its Junior Manager,  
Mr.D.Barathraj,  
No.3/355, Venkateswaran Nagar,  
AGS Colony Extn., Kottivakkam,  
Chennai-600 041.

... Respondent

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records in C.C.No.150 of 2014, on the file of learned Magistrate, Fast Track Court III, Saidapet, Chennai-15 and to quash the same.

For Petitioner : Mr.A.L.Namasivayam

O R D E R

The respondent filed a private complaint before the learned XVIII Metropolitan Magistrate, Saidapet, Chennai, under Section 200 Cr.P.C. for the offence under Section 138 of Negotiable Instruments Act. The learned Magistrate has taken cognizance of the complaint in C.C.No.150 of 2014 and issued summons to the petitioner. After receiving the summons, the petitioner has filed the present petition to quash the complaint in C.C.No.150 of 2014.

2.The learned counsel for the petitioner would submit that even though the complaint was filed on 27.06.2011, it was taken on file in the year 2014, very belatedly. The petitioner as a borrower has settled all the dues along with the interest. Since the complainant was expecting huge amount of interest, there was a dispute with regard to the same. Therefore, the present complaint has been made and it is liable to be quashed.

3.None appeared on behalf of the respondent.

4.Heard the learned counsel appearing for the petitioner and perused the records.

5.Admittedly, the complaint was made on 27.06.2011 and the same was taken on file on 12.02.2014. Though, the petitioner has admitted the business transaction with the respondent and also the money borrowed by him from the respondent has been duly repaid alongwith interest, the respondent has lodged the complaint. The complaint was taken cognizance by the learned Magistrate belatedly may not be a sole ground to quash the complaint under Section 482 Cr.P.C. Whether the petitioner has paid the money in full or not, whether there is any dishonor of cheque, are the matters for trial. Therefore, this Court is not inclined to quash the complaint under Section 482 Cr.P.C. It is for the petitioner to prove his innocence before the trial Court.

6.Accordingly, this Criminal Original Petition is dismissed. The petitioner is at liberty to raise all his defense before the trial Court. Connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(J)

//True copy//

Sub Assistant Registrar

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To

The Metropolitan Magistrate,  
Fast Track Court III,  
Saidapet, Chennai-15

Cr1.O.P.No.21350 of 2014

GMV (22/05/2020)

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