

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 16.03.2020
CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.No.24293 of 2019
and
Crl.MP.No.12849 & 12850 of 2019

A.Durai Pandian

... Petitioner

Versus

Geetha

... Respondent

Criminal Original Petition filed under Section 482 of the Cr.P.C., to call for entire records in respect of complaint filed by the respondent herein before the Judicial Magistrate No.1, Krishnagiri in STC.No.1351 of 2017 and quash the same.

For Petitioner : Mr.D.Rajagopal
For Respondent : Mr.T.C.Harinath

O R D E R

The petitioner has filed this petition, challenging the proceedings in STC.No.1351 of 2017 initiated by the respondent for the offence punishable under Section 138 of the Negotiable Instruments Act.

2.The learned counsel for the petitioner submitted that Statutory notice has been issued on 04.07.2017 and the complaint was presented only on 07.09.2017 and such complaint itself is barred by limitation. Further he contended that there is no legally enforceable debt to initiate proceedings under the Negotiable Instruments Act under Section 138 on the alleged dishonour of cheques.

3.It is seen that originally the complaint was presented on 16.08.2017, subsequently, it was re-presented on 07.09.2017, therefore, it is in within the time. However, the other point raised by the learned counsel for the petitioner with respect to enforceable debt in the dishonoured cheques, it is a question of fact, which cannot be gone into by this Court under Section 482 of Cr.P.C., Therefore, this Court finds no merit in this petition filed to quash the proceedings.

4.In view of the above discussion, the Criminal Original Petition is dismissed. However, the petitioner is at liberty to raise all the grounds which are raised in this petition before the Trial Court. The Trial Court is directed to complete the trial in STC.No.1351 of 2017, within a period of six months from the date receipt of copy of this order. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(co)

//True Copy//

Sub Assistant Registrar

klt

To

1.The Judicial Magistrate No.1, Krishnagiri

2.The Chief Judicial Magistrate, Krishnagiri District.

+1cc to Mr.T.C.Harinath , Advocate SR.No. 23501

CRL.O.P.No.24293 of 2019

and

CrI.MP.No.12849 & 12850 of 2019

A.SK(22/07/2020)

A.SK(27/07/2020)



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