

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.07.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl. O.P. No.463 of 2017
and
Crl. M.P. No.332 of 2017

V.Suriya
S/o. Velandi,
Sivasakthi Illam,
132/D, 3rd Floor,
West Sambandam Road,
R.S.Puram, Coimbatore 641 002. Petitioner/Accused

vs.

S.Karthi,
S/o. G.Subramani,
D.No.26-1, Kalki Street,
Karungalpatti,
Gugai, Salem - 636 005. Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code praying to call for the records pertaining to the complaint in S.T.C. No.888 of 2015 on the file of the learned Judicial Magistrate No.IV, Salem and quash the said complaint.

For Petitioner : No Appearance

For Respondent : Mr. Sivasanakar

ORDER

This petition has been filed to call for the records pertaining to the complaint in S.T.C. No.888 of 2015 on the file of the learned Judicial Magistrate No.IV, Salem and quash the said complaint.

2. It is averred in the petition that the respondent is a stranger to the petitioner and that the petitioner never borrowed any amount as alleged in the complaint given by the respondent herein. Therefore, the question of issuing any cheque in favour of the respondent does not arise.

3. It is seen that the respondent lodged complaint for the offence punishable under Sections 138 and 142 of Negotiable

Instruments Act, 1881, as against the petitioner alleging that the petitioner borrowed a sum of Rs.5,00,000/- and also agreed to repay the borrowed amount with interest at the rate of 12% per annum towards repayment of the same. On 18.08.2015, the petitioner issued a cheque for a sum of Rs.5,00,000/- which was presented for collection and the same was dishonoured for the reason "Account Blocked". After issuing statutory notice to the petitioner, the respondent herein lodged a complaint for the offence punishable under Section 138 and 142 of Negotiable Instruments Act.

4. This Court finds that the grounds raised by the petitioner in this petition missed the question of facts and as such it cannot be considered for quashing the complaint by invoking Section 482 Cr.P.C. Hence, this petition is devoid of merits and accordingly, dismissed. Consequently, connected miscellaneous petition is closed. Since the complaint is of the year 2015, 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.

Sd/-
Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

bkn

To

1. The Judicial Magistrate No.IV,
Salem.

CrI.O.P.No. 463 of 2017

LC(CO)
CB(01/10/2020)

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