



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.10.2020

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.(MD)No.19146 of 2016

and

Crl.MP(MD).No.9608 of 2016

WEB COPY

P.M.Neelamegam

... Petitioner/Accused

Vs.

M/s.Repco Home Finance Limited,
Trichy Rep., by its Branch Manager,
M.Selva Kumarasamy

...Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records pertaining to the summon dated 23.08.2016 in C.C.No.151 of 2016 on the file of the learned Judicial Magistrate No.II, Trichy District and quash the same as illegal.

For Petitioner : Mr.T.A.Ebenezer
For Respondent : Mr.B.Rajesh Saravanan

ORDER

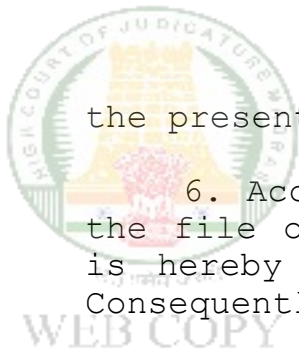
This petition has been filed to quash the proceedings in C.C.No.151 of 2016 on the file of the learned Judicial Magistrate No.II, Trichy District.

2.The case of the prosecution is that the petitioner is the sole accused and the complaint was registered under Section 138 of Negotiable Instruments Act. The petitioner borrowed a sum of Rs.42,00,000/- for housing loan. In order to discharge the said liability, the petitioner issued cheque for a sum of Rs.9,50,000/- in favour of the respondent herein. When the said cheque was presented for collection, the same was dishonoured for the reason that 'no sufficient fund'. Hence, the respondent filed a complaint for the offence under Section 138 of Negotiable Instruments Act.

3.The learned counsel appearing for the petitioner would submit that the petitioner has paid the entire cheque amount by way of demand draft and the same was also duly engaged by the respondent herein.

4.The learned counsel appearing for the respondent also would submit that a demand draft for a sum of Rs.9,50,000/- has been received.

5. Considering the above submission, the pendency of the impugned complaint could not serve any purpose. Since, the entire cheque amount has been paid by the petitioner and the same was duly received by the respondent. Therefore, to meet the ends of justice,



the present impugned complaint is liable to be quashed.

6. Accordingly, the impugned complaint in C.C.No.151 of 2016 on the file of the learned Judicial Magistrate No.II, Trichy District is hereby quashed and the Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

dss

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Judicial Magistrate No.II,
Trichy District.

2.The Chief Judicial Magistrate,
Trichy.

+1 CC to M/s.T.A.EBENEZER, Advocate (SR-20675[F] dated 29/10/2020)

Crl.O.P.(MD)No.19146 of 2016
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28.10.2020

NS (CO)

KB(10.11.2020) 2P 4C