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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 22.09.2021

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

CrI.OP.No.20837/2015 & MP.No.1/2015

1. Salem Sooriya Poultry & Emu Farms
India Private Limited rep.by its
Managing Director M.Jayakumar
Managing Director, 5-F
Ram Lakshman Tower
Saratha College Road
Near RBS Bank, Sri Ram Nagar
Alagapuram, 5 Roads, Salem-16.

2. M.Jayakumar

...Petitioners / A1 & A2

Versus

K.Kalyani

...Respondent/Complainant

Prayer:- Criminal Original Petition filed u/s.482 of Cr.P.C., to call for the records in STC.No.116/2015 on the file of the learned Judicial Magistrate, No.II, Sankagiri, Salem, and quash the same.

For Petitioners : Mr.C.S.Saravanan

For Respondent : Mr.Ragavendran for Mr.S.Babu

ORDER

- (1) The petition has been filed by A1 and A2 in STC No.116/2015 which is now pending on the file of the learned Judicial Magistrate No.2, Sankagiri, Salem District. The said case had been filed consequent to a complaint given by the respondent herein under Section 138 read with 142 of the Negotiable Instruments Act, which had been taken cognizance originally by the learned Judicial Magistrate, Uthamapalayam and subsequently, transferred to the learned Judicial Magistrate No.2, Sangagiri, who had renumbered the same as STC.No.116/2015.
- (2) The primary issue taken up by the petitioners herein is that the amount now sought by the respondent in view of the cheque issued to them, being returned on the ground of



"funds insufficient", had already been paid. This would require reconciliation of Accounts between the petitioners and the respondent and that is an exercise which can be best done by the Court of first instance.

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- (3) Therefore, without going into the facts any more in detail, I would dismiss the present Original Petition, however, grant liberty to the petitioners herein that if they put up a defence that the amount mentioned in the cheque, had already been paid earlier and produce necessary statements regarding the same, after giving due opportunity to the respondent herein/defacto complainant, the learned Judicial Magistrate No.2, Sangagiri, may also examine that particular issue quite independent of the issues which naturally arise for consideration in any proceedings on a complaint under Section 138 read with 142 of the Negotiable Instruments Act.
- (4) With that observation, the Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petition stands closed.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

AP

To

1. The Judicial Magistrate,
Sankagiri, Salem.
2. -do through- The Chief Judicial Magistrate,
Salem.
3. The Public Prosecutor
High Court, Madras.

+1cc to Mr.S.Babu, Advocate, S.R.No.48468

Cr1.OP.No.20837/2015

NRL[co]
NSK 09/11/2021