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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 1.6.2021

CORAM

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

Crl.O.P.No.8404 of 2021

and

Crl.M.P.Nos.5524 & 5525 of 2021

1. Corale Structures,
Rep. by its Partners,
Thirumala Bhavan, 2nd Floor,
Ramaiya Colony Main Road,
Ram Nagar, Tirupur - 641 062.

2. J. Anandkumar

3. T. Maheshkumar

...Petitioners

vs.

S. Vimala

...Respondent

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for the records relating in STC.No.978 of 2021 on the file of Judicial Magistrate Court-III, Tiruppur and quash the same.

For Petitioners : No Appearance

ORDER

When the matter was taken up for hearing, there was no representation for the petitioners.

2. A perusal of the petition indicates that the petitioners seek to quash the proceedings initiated under Section 138 of the Negotiable Instruments Act.

3. The main contention of the petitioners is that they did not issue the cheque to the respondent and the said cheque was missing from the year 2015.

4. The allegation of missing of cheque is a matter of evidence which cannot be gone into at this stage. The proceedings under Section 138 of the Negotiable Instruments Act is governed by the Special Statute and legal presumption is also



attached to the cheques. Whether such presumptions will be rebuttable or not is the matter of evidence. In that view of the matter, I do not find any merits in the present Criminal Original Petition.

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5. According, the Criminal Original Petition is dismissed. Consequently, the connected Miscellaneous Petitions are also dismissed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

ssk/hvk.

To

The Judicial Magistrate Court-III,
Tiruppur.

Crl.O.P.No.8404 of 2021
and
Crl.M.P.Nos.5524 & 5525 of 2021

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srg 16/07/2021