



WEB COPY

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.8446 of 2021

and

Crl.M.P.Nos.5563 of 2021

1.M/s.Fisherman's Fare Restaurant Pvt.Ltd.,
Rep. by its Managing Director
Mohideen Syed Abuthahir,
No.24, Casa Major Road,
Egmore, Chennai - 600008.

2.Mohideen Syed Abuthahir

3.Javeed Ahmed Syed Abuthahir

Petitioners

vs.

M.S.Sadaq Ali

Respondent

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for the records of the entire further criminal proceedings pending in C.C.No.5436 of 2019 on the file of the Hon'ble Fast Track Court - II, Allikkulam, Chennai - 600003 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 petitioner seeks 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 2018.

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.

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

Sd/-
Assistant Registrar(co)

//True Copy//

Sub Assistant Registrar

ssk/hvk.

To.
The Fast Track Court-II,
Allikkulam, Chennai - 600 003.

Crl.O.P.No.8446 of 2021
and
Crl.M.P.Nos.5563 of 2021

PL(CO)
B.VC(26.07.2021)