

THE HIGH COURT OF JUDICATURE AT MADRAS

Date 01.06.2021

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Crl.O.P.No.8210 of 2021

and

Crl.M.P.Nos.5422 and 5425 of 2021

M.Selvam . . . Petitioner/Accused

Versus

M.Muruganandam . . . Respondent/Complainant

PRAYER : Petition filed under Section 482 Cr.P.C to call for the records pertaining to the proceedings in S.T.C.No.12 of 2021 pending trial on the file of the learned Fast Track Magistrate Level-II, Poonamallee, Thiruvallur District and quash the same.

For petitioner : Mr.S.Suresh

For RR1 : Mr.A.Damodaran
counsel for Government of Tamil Nadu
(Crl.side)

ORDER

This application has been filed to quash the private complaint, pending in S.T.C.No.12 of 2021, on the file of the learned Fast Track Magistrate Level-II, Poonamallee, Thiruvallur District.

2. The main contention of the petitioner is that there is no legally enforceable debt and the entire sale consideration has been paid and documents have been registered. Whereas the allegations found in the private complaint would indicate that the Sale Deed has been registered on the basis of cheques been issued by the petitioner. However the cheques were dishonored.

3. According to the defacto complainant, though the Sale Deed was registered, the sale consideration has not been paid, in view of the dishonored cheques.

4. Since there is a serious allegation made with regard to the issuance of cheques, this Court is of the view that this petition cannot be quashed, as this issue requires trial, to

establish the allegations of parties. Therefore, merely for the sake of allegations made by the petitioner, the complaint cannot be quashed.

4. In the result, the Criminal Original Petition is dismissed. Consequently connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

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Sub Assistant Registrar

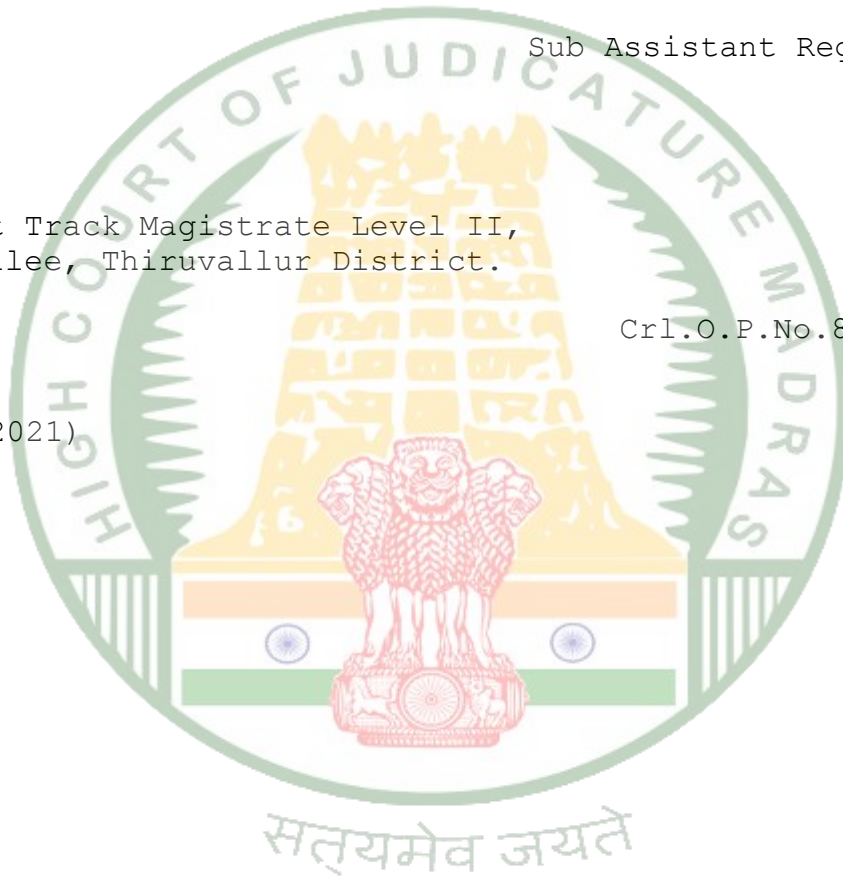
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To

1.The Fast Track Magistrate Level II,
Poonamallee, Thiruvallur District.

Crl.O.P.No.8210 of 2021

LN (CO)
GN (12/07/2021)



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