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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 19.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

CRL. O.P. NO. 8020 OF 2017

AND

CRL.M.P.NOS.5790 AND 5791 OF 2017

1.P.Saravana Prabhu
2.Chemtech Processors,
represented by its Partner,
P.Saravana Prabhu,
779, Kancheevaram Nallur (Post),
Tirupur-641606.

... Petitioners/Accused

Versus

Creative Texchem India Pvt.Ltd.
represented by its Director,
Ashok M.Bhatt,
represented by Power of Attorney cum Accounts Manager,
G.Muralidharan,
Camex House, 4/144, Akilmedu 6th Street,
Erode-638001.

... Respondent/Complainant

PRAYER : Criminal Original Petition filed under Section 482 Cr.P.C., to quash the complaint in S.T.C.No.65 of 2017 on the file of the Chief Judicial Magistrate, Erode.

For Petitioners : M/s.Kaavya Silambanan

For Respondent : Mr.V.S.Kesavan

ORDER

This Criminal Original Petition has been filed to quash the complaint in S.T.C.No.65 of 2017 on the file of the Chief Judicial Magistrate, Erode, filed under Sections 138 and 141 of Negotiable Instruments Act.



2.The main contention of the learned counsel appearing for the petitioners is that the cheque has been issued for supply of dyestuff, however, as the materials were in deficit, a dispute arose between the parties. Thereafter, a compromise was arrived at between the parties, wherein, the respondent agreed to receive 50% of the cheque amount, and accordingly, the petitioner paid Rs.4,08,000/- through the Bank, which has also been acknowledged by the respondent. However, again, the complaint has been filed beyond the period of limitation. Therefore, the entire proceedings are to quashed.

3.The learned counsel appearing for the respondent disputed the contentions of the learned counsel for the petitioner and submitted that the trial has already commenced and all these disputed facts cannot be gone into at the stage.

4.Heard the learned counsel on either side and perused the materials available on record.

5.Whether the amount has been paid or compromise has been arrived between the parties, are disputed facts and cannot be gone into at this stage in a petition under Section 482 Cr.P.C. and the petitioners can raise all their legal defence before the trial Court.

6.With the above observations, this Criminal Original petition is dismissed. Consequently, connected Criminal Miscellaneous Petitions are closed.

7.The petitioners/accused are directed to appear before the trial Court within two weeks from the date of receipt of a copy of this order and file an application under Section 436 of Code of Criminal Procedure. On such filing of the application, the trial Court is directed to release the petitioners on bail on the same day on they executing a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) each with two sureties. If thereafter, they abscond, a fresh FIR can be registered under Section 229-A of the Indian Penal Code.

Sd/-

Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

psa/mkn



To

The Chief Judicial Magistrate,
Erode.

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+1cc to M/s.Kaavya Silambanan Associates, Advocate, S.R.No.59672

Crl. O.P. No. 8020 of 2017

GPL (CO)

RLP (02/12/2021)