



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

CrI.O.P.No.3672 of 2017

and

CrI.M.P.Nos.2722 & 2723 of 2017

W.B. Palani

..Petitioner

Vs.

S.Iruthayaraj

..Respondent

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for the records relating to C.C.No.870 of 2016 pending on the file of the learned Metropolitan Magistrate, Fast Track Court No.IV, George Town, Chennai and quash the same.

For petitioner : M/s.D.Lakshmipathy

For respondent : No appearance

O R D E R

This Criminal Original Petition has been filed to quash C.C.No.870 of 2016, pending on the file of the learned Metropolitan Magistrate, Fast Track Court No.IV, George Town, Chennai.

2. The main contention of the learned counsel appearing for the petitioner is that four cheques bearing Nos.596211 to 596214 have been issued and dishonoured on different dates. Therefore, a complaint filed under Section 138 of the Negotiable Instruments Act r/w. Section 200 of the Code of Criminal Procedure, by the respondent before the learned Metropolitan Magistrate, George Town, in C.C.No.870 of 2016 is not maintainable.

3. On a perusal of the complaint, this Court is of the view that complaint is certainly maintainable at best for three dishonour of cheques. Therefore, entire proceedings cannot be quashed. In such a view of the matter, this Court is not inclined to quash the entire proceeding.



4. Accordingly, this Criminal Original Petition is dismissed. Liberty is granted to the petitioner to raise all the legal pleas before the trial Court. Trial Court shall appreciate the same on merits. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS-III)

//True copy//

Sub Assistant Registrar

shk/mvs.

To

1. The Metropolitan Magistrate,
Fast Track Court No.IV, George Town,
Chennai.

Cr1.O.P.No.3672 of 2017

NRL(CO)
GMY(01/12/2021)