



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 08.12.2021

Coram:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

Crl.O.P.No.7674 of 2017 and
Crl.M.P.Nos.5545 & 5546 of 2017

R.Magesh

...Petitioner

Vs

V.N.Ramesh

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records and quash the complaint in C.C.No.408 of 2016 pending on the file of the learned Judicial Magistrate - I, Tiruppur.

For Petitioner : No appearance

For Respondent : Mr.K.Myilsamy

O R D E R

This Criminal Original Petition has been filed to quash the complaint in C.C.No.408 of 2016 pending on the file of the learned Judicial Magistrate - I, Tiruppur against the petitioner for the offence punishable under Section 138 of the Negotiable Instruments Act.

2. The quashment was sought to quash the private complaint under Section 138 of the Negotiable Instruments Act mainly on the ground that the respondent has already invoked the arbitration. Therefore, he cannot seek a remedy in two forums and further the cheque is also stolen one. All the factual aspects has been raised. This Court is of the view that such things cannot be gone into at this stage.



3. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petitions are closed. The accused is 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, trial Court is directed to release the accused on bail on the same day on executing a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) each with two sureties. If thereafter, he absconds, a fresh FIR can be registered under Section 229 A of the Indian Penal Code. The trial Court is directed to dispose of the case in C.C.No.408 of 2016 expeditiously within a period of three months from the date of receipt of a copy of this Order.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

ggs / kbs

To

The Judicial Magistrate - I,
Tiruppur.

+1 cc to Mr.K.Myilsamy, Advocate Sr.NO. 65447

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KG(CO)
A.SK(03.01.2022)