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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

CRL.O.P.NO.26731 OF 2017 &
CRL.M.P.NOS.15389 & 15390 OF 2017

R.Selvaraj

...Petitioner

Vs

S.Kumar

...Respondent

PRAYER:

Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to S.T.C.No.310 of 2017 as against the petitioner herein, pending on the file of the Judicial Magistrate (FTC), Thiruchengode and quash the same.

For Petitioner : Mr.V.Balamurugan

For Respondent : No appearance

O R D E R

This petition has been filed to quash the charges in S.T.C.No.310 of 2017 pending on the file of the Judicial Magistrate (FTC), Thiruchengode alleged against the petitioner for the offence under Section 138 of the Negotiable Instruments Act.

2. The only ground raised by the petitioner is that there is no legally enforceable debt to enforce the cheque and there is no legal liability between the petitioner and the respondent. It is the contention of the petitioner that the goods have been supplied to Selva Garments and the petitioner is no way connected with the said garments. Hence, he sought to quash the proceedings.



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3. All these factual aspects cannot be gone into at this stage. It has to be tested only during the trial. Hence, this Court is not inclined to entertain this petition at this stage.

4. Accordingly, this Criminal Original Petition is dismissed. The Trial Court is directed to expedite the trial and dispose of the case within a period of three (3) months from the date of receipt of copy of this order. 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 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 229A of the Indian Penal Code.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

vrc/kbs

To

The Judicial Magistrate (FTC),
Thiruchengode.

+1cc to Mr.V.Balamurugan, Advocate, S.R.No.63295

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GSM(CO)
PM/15/12/2021