



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 06.07.2021

CORAM:

THE HON'BLE MR JUSTICE G.ILANGOVAN

Crl.O.P. (MD)No.4789 of 2021

and

Crl.MP(MD)No.2718 of 2021

Sivakumar

... Petitioner/Accused

Vs.

Sutharani

... Complainant/Respondent

**Prayer:** Criminal Original Petition is filed under Section 482 Cr.P.C., to call for records pertaining to S.T.C.No.103 of 2021 on the file of the Judicial Magistrate Court No.II, (Fast Track Court at Magisterial Level) Madurai and quash the same.

For Petitioner : Mr.R.Murugappan

For Respondent : Mr.P.Balasubramanian

**ORDER**

This petition is filed to quash S.T.C.No.103 of 2021 on the file of the Judicial Magistrate Court No.II, (Fast Track Court at Magisterial Level) Madurai.

2. As per the case of the prosecution, the alleged cheque bearing No.000079, dated 05.05.2019 has been issued by the petitioner, presented for collection, it was 'dishonoured' and so, complaint has been registered on 05.05.2019 for the offence punishable under Section 138 of Negotiable Instruments Act, against the petitioner and the same was taken on file in S.T.C.No.103 of 2021 on the file of the Judicial Magistrate Court No.II, (Fast Track Court at Magisterial Level) Madurai. Now, it is in preliminary stage.

3. The learned counsel for the petitioner would submit that the cheque involved in the dispute, was not issued by him and signature has been forged since it does not tally with the admitted signature.

4. The learned counsel for the respondent would submit that this factual aspect, can be decided only during the course of trial. Since it is in preliminary stage, the question of quashment does not arise. It is a specific case of the respondent that only the petitioner issued the disputed cheque for the above said amount and that was dishonoured.



5. Whether it is a forged document or not may not be a matter for discussion or consideration in this petition. The prayer sought for under Section 482 Cr.P.C is very limited and the factual aspects cannot be gone into this petition. So, the petitioner has to face the trial proceedings, before the Trial Court, as per law and he is at liberty to make all sort of defences legally.

6. I find no merit in this petition. Accordingly, the petition deserves dismissal and accordingly, the same is dismissed. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

dss

**Note:** In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

The Judicial Magistrate Court No.II,  
(Fast Track Court at Magisterial Level) Madurai.

**Crl.O.P. (MD)No.4789 of 2021**

**and**

**Crl.MP (MD)No.2718 of 2021**

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**RC (27.07.2021)2P-2C**