



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

Crl.O.P.(MD)No.13525 of 2021

and Crl.M.P(MD)No.7030 of 2021

M.Kandhasamy

... Petitioner/Accused

Vs.

A.Srinivasa Perumal

... Respondent/Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to the case in S.T.C.No.133 of 2021 on the file of the Judicial Magistrate Court No.II, Fast Track Court at Magisterial Level, Madurai filed by the respondent/complainant against the petitioner and quash the same.

For Petitioners : Mr.P.Paranthaman

O R D E R

This petition has been filed seeking quashment of S.T.C.No.133 of 2021 on the file of the Judicial Magistrate Court No.II, Fast Track Court at Magisterial Level, Madurai filed by the respondent/complainant against the petitioner.

2. The petitioner is facing charges under Section 138 of Negotiable Instruments Act before the trial court which was registered based upon the alleged cheque issued by the petitioner to the respondent.

3. The learned counsel for the petitioner would submit that the petitioner is not known to the respondent anyway and anywhere. When notice was issued, a suitable reply has been given to the effect that the petitioner is not known to the respondent and he never issued any cheque in favour of the respondent. In spite of specific denial of the identification as well as knowledge and acquittance, a complaint came to be filed without even mentioning how both parties are known to each other. I am afraid that such sort of contention as raised in this petition can be raised as it is a matter for trial.

4. Another contention raised by the petitioner is that in the light of the reply notice, his liability is also challenged. So that for the offence under Section 138 of Negotiable Instruments Act his liability must be proved.

5. I am of the considered opinion that it is a matter for trial. A reading of the reply notice shows that



the petitioner does not deny the signature of the disputed cheques and what has been stated in the reply notice is that he handed over those cheques number in 6 to one Subbiah and by utilizing the above said cheques the petition came to be filed. So it is a matter for consideration during trial. Except those factual aspects, no other legal issue has been raised by the learned counsel for the petitioner. I find no merits in this petition. The petitioner is at liberty to work out his remedy only through undergoing trial process. This petition deserves for dismissal and the same is dismissed. Consequently, connected miscellaneous petition is closed.

6. However, there shall be a direction to the Judicial Magistrate Court No.II, Fast Track Court at Magisterial Level, Madurai to expedite the trial and complete the same within a period of 5 months from the date of receipt of a copy of this order. After disposing the matter, compliance report shall be sent to the Registry.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

CM

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.

+1 CC to M/s.P.PARANTHAMAN, Advocate (SR-29554[F] dated
20/09/2021)

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PS (CO)

KB(05.10.2021) 2P 3C