



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2022

CORAM

THE HONOURABLE MR. JUSTICE RMT.TEEKAA RAMAN

Crl.OP.No.590 of 2016
and
Crl.MP.Nos.272 & 273 of 2016

Ms.Captive Way India Solutions Pvt. Ltd.,
Rep. by its Managing Director,
K.Vijayakumar,
S/o.Late Kesavane,
No.120, Bussy Street, V Floor,
Puducherry 605 001.

... Petitioner

Vs.

M.Kalaichelvan
Rep. through his Power Agent
P.D.Sekar, S/o.P.N.Devaraj,
No.6, Second Street,
Navasakthi Nagar,
Puducherry 605 009.

... Respondent

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records and quash the complaint in STC.No.2480 of 2015 on the file of II Judicial Magistrate, Puducherry filed under Section 138 of the Negotiable Instruments Act, 1881.

For Petitioner : No Appearance
For Respondents : No Appearance

O R D E R

When the matter is called today, learned counsel for the Petitioner and the learned Public Prosecutor (Puducherry) are not present before this Court.

2.This Petition has been filed to call for the records and quash the complaint in STC.No.2480 of 2015, pending on the file of the learned II Judicial Magistrate, Puducherry, under Section 138 of the Negotiable Instruments Act, 1881.



3. After going through the records, I find that STC was filed for dishonour of cheque issued by the Petitioner. The Respondent herein filed private complaint for the offence under Section 138 and 142 of the N.I. Act. The same was taken on file as STC No.2480 of 2018. After receipt of summons, the Petitioner/accused has preferred this Petition, on the ground that cheque was returned as account was closed and hence it does not fall under 138 of NI Act and there is an arbitration clause. Both the contentions raised in the Petition are the matter for trial. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

sai

To

1. The II Judicial Magistrate,
Puducherry.
2. -do through- The Chief Judicial Magistrate,
Puducherry.

Copy to
The Public Prosecutor (Puducherry),
High Court, Madras - 104.

Crl.OP.No.590 of 2016
and
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NSK/28/06/2022