



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 27.01.2022

C O R A M

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Crl. O.P. Nos.4642 of 2018

&

Crl.M.P.Nos.2265 and 2266 of 2018

Manokaran
S/o.R.Selvaraj

... Petitioner/Accused 1

Versus

Mrs.Savithra Devi
Proprietor
Agarwal Steel Enterprises
V-110, 3rd Floor, Ramanalayam Building
6th Main Road
Anna Nagar, Chennai - 600 040

... Respondent / Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Cr.P.C. to call for the records relating to C.C.No.359 of 2017 on the file of Fast Track Court (Magisterial Level), Ambattur, Thiruvallur District till the disposal of this petition.

For Petitioner : No appearance

For Respondent : Mr.R.Muthukumar

O R D E R

This Criminal Original Petition has been filed to quash the proceedings initiated under Section 138 of the Negotiable Instruments Act, 1881 in C.C.No.359 of 2017 on the file of Fast Track Court (Magisterial Level), Ambattur, Thiruvallur District

2. Today, when the matter is taken up for hearing, there is no representation for the petitioner.

3. Having gone through the materials available on record, this Court is of the considered view that when a complaint is filed under Section 138 of the Negotiable Instruments Act, this



Court cannot go into the question of fact as to the validity of the issuance of cheque and whether the cheque has been issued towards a legally enforceable debt or not. Those issues are factual and triable issues, which have to be decided only by way of a full fledged trial and not otherwise under Section 482 of Code of Criminal Procedure. In such view of the matter, I do not find any ground to quash the complaint.

4. Accordingly, this Criminal Original Petition is dismissed. It is for the petitioner to take all his defence before the trial Court. The trial Court is directed to expedite the trial and dispose of the case within a period of three months from the date of receipt of a copy of this order. Consequently, connected Criminal Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (CS-VII)

//True copy//

Sub Assistant Registrar

gpa

To

1. The Judge,
The Fast Track Court (Magisterial Level),
Ambattur, Thiruvallur District
2. The Public Prosecutor
Madras High Court
Chennai

+1cc to Mr.R.Muthukumar, Advocate SR.No.4638

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KK(CO)
GMY(16/02/2022)