



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 07.06.2022

C O R A M

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

CrI. O.P. No.10370 of 2022
and
CrI.M.P.Nos.6188 &6190 of 2022

Mr.L.Saravanan

...Petitioner

Versus

Mr.C.Parthasarathi

...Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, praying to quash the complaint filed under Section 138 of Negotiable Instruments Act, 1881 in C.C.No.256 of 2018 on the file of the learned Judicial Magistrate-I, Kancheepuram against the petitioner/Accused.

For Petitioner : M/s.N.Prem Kumar

O R D E R

This Criminal Original Petition has been filed to quash the proceedings against the petitioner in C.C.No.256 of 2018 on the file of the learned Judicial Magistrate-I, Kancheepuram, for the offence under Section 138 of Negotiable Instruments Act, 1881.

2. Learned counsel for the petitioner would contend that this complaint is a motivated one and the petitioner herein has been falsely implicated in this case. Such contentions have no force in the eye of law. When a cheque of a person which was presented for encashment gets dishonoured and statutory notice is also sent, the cause of action arises for initiation of criminal prosecution. It is for the accused to rebut the legal presumption available under Sections 118 and 139 of the Negotiable Instrument Act.



3. In such view of the matter, this Court at this stage cannot make a roving enquiry or conduct mini trial to find out whether there is a legally enforceable debt or not. Therefore, this Criminal Original Petition is dismissed. However, the trial Court is directed to expedite the trial and dispose of the case preferably within a period of 6 months from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

ksa-2/nr

To

The Judicial Magistrate-I,
Kancheepuram.

Crl. O.P. No.10370 of 2022
and
Crl.M.P.Nos.6188 &6190 of 2022

SMI (CO)
PR (22/06/2022)