



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 24.01.2022

C O R A M

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

CrI. O.P. No. 16961 of 2018 &
CrI.M.P.No.8761 of 2018

D.Ravichandran

...Petitioner/Accused

Versus

M/s.Abhay Finance,
Prop:M/s. K.Sunil Kumar Jain,
No:39, Kalathi Pillai Street,
Sowcarpet, Chennai-79.

...Respondent/Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records and quash the complaint in connection with the C.C.No.1260 of 2013, pending on the file of the 3rd Metropolitan Magistrate, George Town, Chennai.

For Petitioner : Mr.P.Britto
(No appearance)

For Respondent : Mr.Aravind Kumar
(No appearance)

O R D E R

This Petition has been filed to quash the proceedings in C.C.No.1260 of 2013, filed against the accused for the offence under Section 138 of the Negotiable Instruments Act, on the file of the III Metropolitan Magistrate, George Town, Chennai.

2. The crux of the allegation in the complaint indicate that the accused issued a cheque on 15.12.2012, drawn on Tamilnadu Mercantile bank Ltd., Chengalpattu Branch for a sum of Rs.7,43,000/-. When the same was presented for encashment it was dishonoured for the reasons unknown. After issuing statutory notice, the prosecution has been launched. The grounds raised in the quash petition is mainly on the ground that the entire liability has been discharged. Therefore, it is his contention that the cheques were issued as a security and therefore they cannot be enforced.



3. At the out set, I am of the view that the grounds raised is not sustainable in the eye of law. Whether or not the cheque issued for discharging the legal liability can be seen only during the trial and initial burden lies on the drawer to discharge the legal presumption. Hence, the proceedings cannot be quashed at this stage.

4. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

psa/ggs
To

The III Metropolitan Magistrate,
George Town, Chennai.

Cr1. O.P. No. 16961 of 2018

gpl(CO)
A.SK(21.02.2022)