



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.06.2022

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

CRL.O.P.NO.10440 OF 2022

AND

CRL.M.P.NOS.6264 & 6267 OF 2022

B.Charles

... Petitioner/Accused No.1

.Vs.

M/s.Aptus Value Housing Finance India Ltd.,
Represented by its Senior Legal Exevutive,
Mr.S.Balaji, S/o.R.Saravanan,
Having office at 8B, Doshi Towers,
No.205, Poonamallee High Road,
Kilpauk, Chennai - 600 010.

... Respondent/Complainant

PRAYER:-

This Criminal Original Petition filed under Section 482 Cr.P.C., pleaded to call for the records pertaining to the Impugned Proceedings in S.T.C.No.685 of 2021 on the file of the Fast Track Court Magistrate Level at Poonamalee and to quash the complainant.

For Petitioner : Mr.P.Chandrasekaran

ORDER

This Criminal Original Petition has been filed to quash the Impugned Proceedings initiated in S.T.C.No.685 of 2021 on the file of the Fast Track Court Magistrate Level at Poonamalee.

2. The main ground alleged by the learned counsel for the petitioner is that the cheque in question was not issued to discharge any debt, but issued as security and further, the signature was also denied by the petitioner and therefore, the prosecution is not maintainable. Once the cheque is issued by a person and on presentation, if it is dishonoured and statutory notice is also issued to him, it give rise to cause of action as per Section 138 of Negotiable Instruments Act. The other



submission is that the cheque was given by the petitioner's deceased wife and she has not signed the cheque.

3. This Court is of the view that it is for the petitioner to establish before the Court that the cheque in question was supported for the valid consideration by dislodging statutory presumption available under Sections 118 and 139 of N.I.Act. Accordingly, this Court does not find any merits in this petition.

4. At this stage, the learned counsel for the petitioner seeks indulgence of this Court to dispense with the personal appearance of the petitioner before the trial Court.

5. Accordingly, the presence of the petitioner shall be dispensed with before the trial Court except for receiving the copies, initial questioning, questioning under Section 313 of Cr.P.C. and any other date fixed by the trial Court and at the time of passing judgment.

6. In view of the above, this Criminal Original Petition stands dismissed. Further, the trial Court shall expeditiously dispose the matter on merits without any further delay. Consequently, the connected Crl.M.P.No.6264 of 2022 is closed and Crl.M.P.No.6267 of 2022 is ordered.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

ham/shk

To

The Fast Track Court Magistrate Level,
Poonamalee.

+1cc to Mr.P.Chandrasekaran, Advocate, S.R.No.34051

CRL.O.P.NO.10440 OF 2022 AND
CRL.M.P.NOS.6264 & 6267 OF 2022

SR(CO)
PBS/24/06/2022