



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

CrI.O.P. No.11934 of 2022

and

CrI.M.P.No.6733 of 2022

Suhail Ahamed

... Petitioner/Accused

Vs.

A.Selvakumar

... Respondent/Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C., pleased to call for the records relating to the S.T.C.No.331 of 2021 on the file of the learned Fast Track Court, Magistrate Level, Ambattur and quash the same.

For Petitioner : Mr.R.Dhanasekar

For Respondent : Mr.V.G.Guhan Murugan

O R D E R

The Criminal Original Petition has been filed to quash the proceedings in S.T.C.No.331 of 2021 for the offence under Section 138 of the NI Act, on the file of the learned Fast Track Court, Magistrate Level, Ambattur.

2. The main contention of the learned counsel for the petitioner is that there is no legal plea in this case and there exists a partnership dispute between the parties and therefore, the cheque in question is not enforceable. Therefore, he prays to quash the proceedings in S.T.C.No.331 of 2021, on the file of the learned Fast Track Court, Magistrate Level, Ambattur.

3. In such view of the matter, this Court is of the view that it is the matter of evidence that requires appreciation and only an accused has to discharge the legal presumption before the trial Court.



4. This Court does not find any materials to quash the proceedings in S.T.C.No.331 of 2021 on the file of the learned Fast Track Court, Magistrate Level, Ambattur. Accordingly, this Criminal Original Petition stands dismissed. Consequently, the connected miscellaneous petition in Crl.M.P.No.6733 of 2022 is closed.

Sd/-
Assistant Registrar (CS-IX)

// True Copy //

Sub Assistant Registrar

ham/rgi

To

The Judicial Magistrate,
Fast Track Court, Magistrate Level,
Ambattur.

Crl.O.P. No.11934 of 2022
and
Crl.M.P.No.6733 of 2022

VG-II (CO)
CB(07/07/2022)