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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.06.2022

CORAM

THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR

CrI.O.P.No.14338 of 2022

CrI.M.P.No.7900 of 2022

S.Karthik

... Petitioner/Accused

Vs.

K.Sundari

... Respondent/Complainant

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C. praying to call for records in C.C.No.571 of 2020 pending on the file of Judicial Magistrate, Thiruvotriyur, quash the same.

For Petitioner : Mr.A.Thiagarajan (NA)

O R D E R

This Criminal Original Petition has been filed seeking to quash the proceedings initiated for the offence under Section 138 read with Section 142 of Negotiable instruments Act, in C.C.No.571 of 2020 pending on the file of learned Judicial Magistrate, Thiruvotriyur.

2. When the matter is taken up for hearing today, there is no representation for the petitioner.

3. The main ground on which the petition has been filed is that there is no legally enforceable debt and that the respondent has not filed any pro-note or any other instruments to prove that there is a legal liability.

4.It is made clear that it is for the petitioner to dislodge the statutory presumption available u/s.118 and 139 of Negotiable Instruments Act by bringing the probabilities in the evidence and not mere submissions in the proceedings under Section 482 Cr.P.C. as it is a matter of evidence.



5. When such view of the matter, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petition is closed.

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Sd/-

Assistant Registrar (CS-IX)

//True copy//

Sub Assistant Registrar

ksa-2/gd

To

The Judicial Magistrate,
Thiruvotriyur,

CrI.O.P.No.14338 of 2022
CrI.M.P.No.7900 of 2022

RK (CO)
GMY (07/07/2022)