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Crl.O.P.No.20116 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.06.2022

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.20116 of 2020
and Crl.M.P.Nos.8341 & 8342 of 2020

A.Karuppasamy

... Petitioner

Vs.

S.Sree Padmapriya

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records culminating in S.T.C.No.351 of 2019 on the file of the Fast Track Court (Magisterial Level), Tiruppur (Originally S.T.C.No.361 of 2018 on the file of the learned Judicial Magistrate No.3, Tiruppur), and quash the same.

For Petitioner : Mr.N.S.Siva Kumar

For Respondent : Mr.P.M.Duraiswamy

ORDER

This Criminal Original Petition has been filed to quash the proceedings pertaining to the charge sheet in S.T.C.No.351 of 2019 on the file of the Fast Track Court (Magisterial Level), Tiruppur (Originally S.T.C.No.361 of 2018 on the file of the learned Judicial Magistrate No.3,



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Tiruppur)

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2. The case of the prosecution is that the petitioner have issued six cheque leaves, where five of them are said to have been drawn for a sum of Rs.5,00,000/- each and one cheque leaf drawn for Rs.2,00,000/- totalling to a sum of Rs.27,00,000/- issued towards refund of advance amount with interest in respect of an unregistered sale agreement which is allegedly executed by his wife Smt.K.Subbulakshmi in favour of the respondent on 21.04.2016. When the said cheque leaves were presented in his Banker, it was returned dishonoured as “Insufficient of funds”. Hence, the respondent lodged a complaint as against the petitioner.

3. The learned counsel for the petitioner submitted that the alleged cheque leaves were not issued by the petitioner towards legally enforceable debt or liability. In fact, originally, the wife of the petitioner entered into an agreement with the petitioner herein for sale deed, dated 21.04.2016. The respondent has also filed a suit in O.S.No.284 of 2019 on the file of the I Additional District Court, Tiruppur for return of the advance amount with false claim as against the petitioner.



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2. Heard the learned counsel appearing for the respondent.

3. On a perusal of the materials available on record, reveals that all the grounds raised by the petitioner is mixed question of facts, which cannot be considered for quashing the petition. Hence, this Court finds no merits to quash the proceedings initiated under Section 138 of Negotiable Instruments Act, 1881.

4. In view of the above, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petitions are closed. However, the learned Fast Track Court (Magisterial Level), Tiruppur is directed to complete the trial within a period of six months from the date of receipt of a copy of this order.

30.06.2022

Internet: Yes
Index: Yes/No
Speaking/Non-speaking order
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G.K.ILANTHIRAIYAN, J.,

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1. The Fast Track Court (Magisterial Level), Tiruppur
2. The Public Prosecutor,
Madras High Court.

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