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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2022

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.25634 of 2021

and

CrI.M.P.No.14235 of 2021

A.Kanimurugan

... Petitioner

Versus

Senthil Kumar

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records made in S.T.C. No.88 of 2021 on the file of the District Munsiff cum Judicial Magistrate, Kattumannarkoil and quash the same as illegal.

For Petitioner : Mr.K.Nagarajan

ORDER

The petitioner/accused has filed this petition to quash the records pertaining to S.T.C. No.88 of 2021 on the file of the District Munsiff cum Judicial Magistrate, Kattumannarkoil.

2. The case of the petitioner is that the respondent/complainant stealthily had taken away the petitioner's vehicle R.C. Book, Insurance and Cheque Book when the vehicle was given for renewal of insurance. Hence, the petitioner lodged a complaint in Cr. No.627 of 2021 before the the Sub-Inspector of Police, Kattumannarkoil Police Station. This fact was intimated to the complainant when he issued statutory notice. Despite the same, complaint has been filed by the respondent and the petitioner has been prosecuted in S.T.C. No.88 of 2021 on the file of the District Munsiff cum Judicial Magistrate, Kattumannarkoil. The stale cheque was not issued for any valid consideration. Hence, assailing this points, he has filed this quash petition.

3. On perusal of the complaint and particularly it is seen that the respondent/ complainant has denied the contention of the petitioner, now it has become a disputed fact. The disputed fact cannot be decided in the quash petition. In view of same, the points could be raised only during the trial and the trial Court to decide the same.



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4. Accordingly, this petition is dismissed. Connected Miscellaneous Petition is also dismissed.

Sd/-
Assistant Registrar (CS-VIII)

//True copy//

Sub Assistant Registrar

rkp

To

1. The District Munsiff cum Judicial Magistrate,
Kattumannarkoil
2. The Sub-Inspector of Police,
Kattumannarkoil Police Station.
3. The Public Prosecutor,
High Court, Madras.

Cr1.O.P.No.25634 of 2021 and
Cr1.M.P.No.14235 of 2021

KSM(CO)
GMY (20/01/2022)