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CRL.O.P.No.26993 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2022

CORAM:

THE HON'BLE Ms.JUSTICE R.N.MANJULA

Crl.O.P. No.26993 of 2022

T.Gandhi
Prop.Priyadharshini Enterprises ... Petitioner

Versus
Rameshvarshan ... Respondent

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for the records pertaining to STC.No.49/2022 pending on the file of the Fast Track Judicial Magistrate Court, Nagapattinam and quash the same.

For Petitioner : Mr.S.Selvakumar

ORDER

This Criminal Original Petition has been preferred to call for the records pertaining to STC.No.49/2022 pending on the file of the Fast Track Judicial Magistrate Court, Nagapattinam and quash the same.

2. The learned counsel for the petitioner submitted that the petitioner and the respondent entered into a lease agreement for a period of 11 months; the lease



amount was agreed at Rs.6,00,000/-; during the lease period, the respondent frequently contacted the petitioner, threatened and demanded money; hence a complaint was given by the petitioner in this regard to the Madavaram Police Station and enquiry was conducted; however a private complaint has been filed by the respondent just to harass the petitioner, the respondent is a resident of Chennai but he had filed the complaint before the learned Judicial Magistrate, Nagapattinam just to harass the petitioner.

3. Heard the submission made by the learned counsel for the petitioner and perused the materials available on record.

4. On perusal of the complaint given by the respondent that he has given a sum of Rs.6,00,000/- as the lease amount and he was occupying the house of the petitioner/accused from the year 2019, for a period of 11 months. After 11 months the respondent intended to vacate the premises at the expiry of the lease period and asked the petitioner to refund the lease amount of Rs.6,00,000/-. But the petitioner did not repay the said amount instead he had given cheques for a sum of Rs.5,00,000/- and undertaken to give the balance of Rs.1,00,000/- through cash. As instructed, the respondent had put the cheque issued by the petitioner for collection and the cheques were returned as '*insufficient funds*'. On this ground he



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has filed the complaint under Section 138 of Negotiable Instruments Act-1881 after complying the due procedure.

5. Since the complaint has been given in accordance with law, I don't find any reason to quash the same as bald or bereft of any material particulars. If the petitioner finds an inconvenience to attend the Court proceedings at Nagapattinam, he is at liberty to file a petitions under Section 317 Cr.P.C., before the learned Magistrate to condone his absence.

With the above observation, this Criminal Original Petition is **disposed of**.

07.11.2022

Index: Yes/No
Internet: Yes/No
Speaking /Non speaking

jrs



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R.N.MANJULA, J.,

jrs

To:
The Fast Track Judicial Magistrate Court,
Nagapattinam

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