



Crl.O.P.No.31012 of 2019
and Crl.M.P.Nos.16877 & 16878 of 2019

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 15.07.2022

CORAM :

THE HONOURABLE Dr. JUSTICE **G.JAYACHANDRAN**

Crl.O.P.No.31012 of 2019
and
Crl.M.P.Nos.16877 & 16878 of 2019

K.Raman

.. Petitioner

Vs.

M/s.Shri Hari Krishna,
Rep.by Authorized representative,
Devanbu, S/o.Sigamani,
No.61-C, P.N.Road,
Tiruppur.

..Respondent

PRAYER : Criminal Original Petition has been filed under section 482 of Criminal Procedure Code to call for the records relating to C.C.No.275 of 2018 pending on the file of the Judicial Magistrate No.I, Tiruppur and quash the same.

For Petitioner : No appearance

For Respondent : Mr.N.somasundaar



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ORDER

There is no representation for the petitioner .

2. This Criminal Original Petition is filed to quash the private complaint pending on the file of the Judicial Magistrate No.I, Tiruppur.

3. The petitioner is an accused in the complaint. He admits that the issuance of the cheque in favour of the complainant. Since he and the complainant in the course of business maintaining open running account and the cheque was issued only as a security for the outstanding dues, the said cheque has been misused by the complainant by presenting it for collection. In fact in the course of business, he had collected cash to the tune of Rs.1,17,00,872/- and he was in possession of the said cash, however due to sudden demonetization, he was unable to deposit the same in the bank within the prescribed time.



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4. In this regard, he approached the Hon'ble Supreme Court and the SLP is pending. The said money invalidated by demonetization and once the Hon'ble Supreme Court in SLP permits him to deposit the money, he may be in a position to pay the complainant after verifying the statement of accounts.

5. This Court is not able to ascertain whether the said SLP is disposed or not. Even otherwise, the plea of the accused / petitioner is that the cheque was issued only as a security and there is no legally enforceable debt. It is a matter that has to be decided in the trial. Hence the Criminal Original Petition is dismissed. Consequently, the connected Criminal Miscellaneous Petitions are also dismissed.

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Internet : Yes/No

Index: Yes/No

rpl

To

The Judicial Magistrate No.I, Tirupur.



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Dr.G.JAYACHANDRAN, J.

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