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Crl.O.P.No.30404 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.12.2022

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.30404 of 2022
and
Crl.M.P.Nos.18632 and 18633 of 2022

R.Marin Raj

Vs.

... Petitioner

Suresh Kanth

... Respondent

PRAYER: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records in C.C.No.08 of 2020, on the file of the learned Judicial Magistrate Fast Track, Alandur, Chennai, and quash the proceedings therein as against the petitioner herein.

For Petitioner : Mr.T.Shanmugam

ORDER

This Criminal Original Petition has been filed to call for the records in C.C.No.08 of 2020, on the file of the learned Judicial Magistrate Fast Track, Alandur, Chennai, and quash the proceedings therein as against the petitioner.

2. The learned counsel for the petitioner submitted that the respondent



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filed a private complaint under Section 200 of CrPC for the offence under Sections 138 and 142 of Negotiable Instrument Act against the petitioner. He further submitted that it is alleged in the complaint that the money transaction was in the year 2015 to the tune of Rs.25,70,000/-. However, it is claimed that cheque was issued on 04.11.2019. The case was filed in the year 2020. There are discrepancies in the notice issued and in the complaint with regard to payment. It is alleged in the notice dated 15.11.2019 issued by the respondent that the petitioner had neither paid the principal nor the interest. On the other hand, in the complaint, it is alleged that the petitioner was irregular in making payments.

3. It is further submitted that the petitioner has not issued the impugned cheque. The signature in the cheque is also denied. The petitioner and the respondent were jointly doing business and both were sharing the same office. The cheque given as a security is now misused for filing this case.

4. From the submission of the learned counsel for the petitioner, it is admitted that the impugned cheque belongs to the petitioner. The claim that whether cheque was issued for the purpose of security or towards discharging of legally enforceable date liability, will be known only during the course of



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trial.

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5. The discrepancies with regard to the part payment of money towards the loan borrowal, would also have to be clarified only during the course of trial. These discrepancies may not make a ground for quashing the proceedings.

6. It is also submitted by the learned counsel for the petitioner that he gave a complaint against the respondent on 11.12.2020. However, this complaint was given after the initiation of C.C.No.8 of 2020. The Petitioner has to raise all his defence only during the trial. There is no case made out for quashing the Criminal proceedings in C.C.No.8 of 2020.

7. In such view of the matter, this Criminal Original Petition is dismissed. Consequently, the connected Miscellaneous Petitions are closed.

09.12.2022

Index:Yes/No
Speaking/Non speaking order
gd

To

1.The Judicial Magistrate Fast Track,



Alandur,
Chennai,

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G.CHANDRASEKHARAN.J.,

gd

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