



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.08.2023

Coram:

The Hon'ble Mr.Justice V.SIVAGNANAM

**Crl.O.P.Nos.2137, 2391 & 2117 of 2021
and Crl.M.P.No.1169 of 2021
and Crl.M.P.Nos.1177 and 1318 of 2021**

K.R.Senthilkumar

...Petitioner in all Crl.O.Ps

Versus

Selliyan

...Respondent in Crl.O.P.Nos.2137 & 2391 of 2021

S.Sasikala

...Respondent in Crl.O.P.No.2117 of 2021

Common Prayer:

These Criminal Original Petitions are filed under Section 482 of Cr.P.C praying to call for the records pertaining to the impugned proceedings of the case in S.T.C.Nos.356, 330 & 308 of 2019 pending on the file of the Judicial Magistrate Court No.1, Namakkal and quash the same as against the petitioner herein.

For Petitioner in all Crl.O.Ps : Mr.Swami Subramanian

For Respondent in all Crl.O.Ps : Mr.S.Senthil



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COMMON ORDER

These criminal original petitions have been filed by the petitioner seeking to quash the case in S.T.C.Nos.356, 330 & 308 of 2019 pending on the file of the Judicial Magistrate Court No.1, Namakkal.

2. Today, when these criminal original petitions were taken up for hearing, the learned counsel appearing for the respondent(s) submitted that the other accused involved in the case in S.T.C.Nos.356, 330 & 308 of 2019 pending on the file of the Judicial Magistrate Court No.1, Namakkal had filed CrI.O.P.Nos.16125, 16127 & 1629 of 2020 before this Court, praying to quash the case in S.T.C.Nos.356, 330 & 308 of 2019 on the file of the Judicial Magistrate Court No.1, Namakkal, but, this Court vide its common order dated 17.06.2022, dismissed the said petitions and granted liberty to the petitioners therein to raise all the grounds before the trial Court and also, directed the trial Court to complete the trial within a period of six months from the date of receipt of a copy of that order.



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3. The learned counsel for the petitioner submitted that in the complaint given by the respondent(s), it is stated that the amounts were received by the petitioner on 27.08.2012, but, the cheque in question was issued only after a lapse of 7 years. A time barred debt is not a legally enforceable debt and hence, the complaint given by the respondent(s) under Section 138 of the Negotiable Instruments Act is unsustainable in law. He further submitted that in the aforesaid CrI.O.P.Nos.16125, 16127 & 16129 of 2020, the petitioners therein had raised the defense that the claim of the respondent is barred by limitation, however, without considering the same, the learned Single Judge had dismissed the said CrI.O.Ps.

4. Considering the submissions made by the learned counsel on either side and also, taking note of the fact that this Court vide its common order dated 17.06.2022 in CrI.O.P.Nos.16125, 16127 & 16129 of 2020, rejected the defense taken by the other accused in S.T.C.Nos.356, 330 & 308 of 2019 on the file of Judicial Magistrate Court No.1, Namakkal on the ground of limitation and dismissed the said CrI.O.Ps, this Court is of the opinion that it would be appropriate to dismiss these criminal original petitions.



WEB COPY 5. Accordingly, these criminal original petitions are dismissed.

However, liberty is granted to the petitioner to raise all his defense before the trial Court. It is needless to state that the trial Court shall complete the trial of the case in S.T.C.Nos.356, 330 & 308 of 2019, within a stipulated period as directed by this Court in its order dated 17.06.2022 passed in CrI.O.P.Nos.16125, 16127 & 16129 of 2020. Consequently, connected miscellaneous petitions are closed.

18.08.2023

mrr

Index: Yes/No

Speaking Order (or) Non-Speaking Order

To

1.The Judicial Magistrate Court No.1,
Namakkal.

2.The Public Prosecutor,
High Court, Madras.



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V.SIVAGNANAM, J.

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