



Crl.O.P.No.3558 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.02.2023

CORAM:

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.3558 of 2023
&
Crl.M.P.Nos.2215 & 2216 of 2023

Manoharan

... Petitioner

Vs.

Rajesh

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records and quash the proceedings in C.C.No.106 of 2022, pending before the learned Judicial Magistrate – I at Madurantakam.

For Petitioner : Mr.K.Duraimurugan

For Respondent : -



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ORDER

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This petition is filed to call for the records and quash the proceedings in C.C.No.106 of 2022, pending before the learned Judicial Magistrate – I at Madurantakam.

2. The petitioner borrowed a sum of Rs.5,00,000/- from the respondent in March 2021. However, the respondent filed this case claiming that the petitioner borrowed Rs.15,00,000/- and issued a cheque. In fact, the petitioner issued a blank cheque with a signature at the time of borrowal of Rs.5,00,000/- and that cheque was misused by the respondent filing this case. To the statutory notice, the petitioner sent a reply stating all these things, even thereafter, the respondent filed this complaint. Therefore, this petition.

3. Considered the submissions of the learned counsel and perused the records. The complaint allegations shows that petitioner approached the respondent for a loan of Rs.15,00,000/-. The respondent paid Rs.15,00,000/- during the last week of March 2021. The petitioner is said to have issued a cheque dated 19.07.2022 bearing cheque No.000006 for a sum of Rs.15,00,000/- drawn on the HDFC Bank, Thiruporur Branch. When this cheque was presented for collection through ICICI Bank Ltd., Maduranthakam branch on 20.07.2022, it was returned on 22.07.2022 for the



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reason that “Funds Insufficient”. Thereafter, statutory notice was given on 03.08.2022 and the petitioner issued a reply dated 13.08.2022. Subsequently, pursuance to that, complaint was filed under Sections 138 and 142 of Negotiable Instruments Act 1881 and under Section 200 of Cr.P.C.

4. The complaint allegations clearly make out a case for prosecuting the petitioner under Section 138 of Negotiable Instruments Act 1881. The claim of the petitioner that he received only Rs.5,00,000/- and issued a blank cheque as security are disputed facts. Disputed facts cannot be looked into by this Court. It is for the trial Court to try the disputed facts.

5. In this view of the matter, this Court finds no merit in this petition filed for quashing the proceedings in C.C.No.106 of 2022, pending before the learned Judicial Magistrate – I at Madurantakam.

6. Therefore, this Criminal Original petition is dismissed. Consequently, connected miscellaneous petitions are closed.

16.02.2023

Internet:Yes/No
Index:Yes/No
mpl



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G.CHANDRASEKHARAN, J.
mpl

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