



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.04.2023

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No. 6331 of 2021

And

Crl.M.P.Nos. 4202 & 4203 of 2021

S.M.Ramesh

... Petitioner/Accused

Vs

P.Santhanam

...Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records relating to the proceedings in S.T.C.No. 1 of 2021 on the file of Judicial Magistrate / FTC, Vellore and quash the same as against the petitioner.

For Petitioner : Mr.S.Sairaman

For Respondent : Mr. M.r.Dhalapathy Vigneshkumar

ORDER

This Petition is to quash a complaint under Section 138 of the Negotiable Instruments Act.



2. It is alleged that the petitioner had issued a cheque for Rs. Thirty Two lakhs in favour of the complainant and the said cheque was presented for collection and that the same was dishonoured.

3. The learned counsel for the petitioner would submit that admittedly the respondent had given only Rs. five lakhs and the petitioner is not liable to pay Rs. thirty Two lakhs. The further submission of the learned counsel for the petitioner is that the respondent has misused the cheque given as security for the purpose of repayment of loan amount.

4. This Court finds that the points raised by the petitioner have to be adjudicated only before the trial Court. The question as to whether the petitioner is liable to pay Rs. Thirty Two lakhs or Rs. five lakhs is a questions of fact which has to be decided before the trial Court. Hence, this Court is not inclined to entertain the quash petition. However, the petitioner is at liberty to raise all the points before the trial Court.



5. In view of the above, this Criminal Original Petition is dismissed.

Consequently, connected Civil Miscellaneous Petitions are also dismissed.

03.04.2023

vsg

Index: Yes/No

Speaking Order / Non-Speaking Order

Neutral Citation: Yes / No

To

Judicial Magistrate / FTC, Vellore.



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SUNDER MOHAN. J.

vsg

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