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Crl.O.P.No.7187 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.03.2023

CORAM:

THE HONOURABLE MR. JUSTICE **SUNDER MOHAN**

Crl.O.P.No.7187 of 2023

and

Crl.M.P.Nos.4530 & 4531 of 2023

M.Vimal Kannan

...Petitioner / Accused

-Vs-

V.Poongundran

... Respondent / Complainant

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for records relating to the proceedings in S.T.C.No.2688 of 2022 on the file of the Metropolitan Magistrate, Fast Track Court – IV, George Town, Chennai and to quash the same.

For Petitioner

: Ms.Mahamandra Rajalakshmi



Crl.O.P.No.7187 of 2023

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ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings in S.T.C.No.2688 of 2022 on the file of the Metropolitan Magistrate, Fast Track Court – IV, George Town, Chennai, filed for the alleged offence under Sections 138 and 142 of the Negotiable Instruments Act, 1881.

2.It is alleged in the complaint that the petitioner / accused in discharge of his liability had issued a cheque for a sum of Rs.29,00,000/- to the respondent / complainant and when the said cheque was presented for collection, it was returned for the reason 'insufficient fund'. Hence the complaint.

3.The learned counsel for the petitioner would submit that the complaint is vague and bereft of necessary particulars as to when the respondent had paid the money to the petitioner. The petitioner has no relationship with the respondent and there is no legally enforceable debt or liability and hence prayed for the quashing of the complaint.



Crl.O.P.No.7187 of 2023

WEB COPY

4.This Court finds that the points raised by the learned counsel for the petitioner are factual in nature and the same has to be adjudicated only before the trial Court and hence, this Court is not inclined to quash the present Criminal Original Petition and the same is dismissed. Consequently, connected Crl.M.P.No.4530 of 2023 is closed.

5.However, the petitioner is at liberty to raise all the contentions before the trial Court. The personal appearance of the petitioner before the trial Court is dispensed with, unless the learned Metropolitan Magistrate, Fast Track Court – IV, George Town, Chennai, considers his appearance necessary for the progress of the trial. Accordingly, Crl.M.P.No.4531 of 2023 is ordered.

31.03.2023

smv

Internet: Yes

Index : Yes/No

Speaking : Yes / No

Neutral Citation : Yes / No



Crl.O.P.No.7187 of 2023

To,
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- 1.The Public Prosecutor,
High Court of Madras.
- 2.The Metropolitan Magistrate,
Fast Track Court – IV,
George Town, Chennai.

SUNDER MOHAN,J.



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