



WEB COPY



Crl OP Nos. 16673, 16675 & 16676 / 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.06.2023

CORAM :

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Criminal Original Petition Nos. 16673, 16675 & 16676 of 2019
and
Crl.M.P. Nos. 8387, 8391 & 8393 of 2019

G.N. Karthikeyan

... Petitioner in all the petitions

Versus

R. Panchanathaeswaran ... Respondent in Crl.O.P. No. 16673 of 2019

K. Vijayakumar ... Respondent in Crl.O.P. No. 16675 of 2019

K. Madeswaran ... Respondent in Crl.O.P. No. 16676 of 2019

COMMON PRAYER : Criminal Original Petitions filed under Section 482 of the Criminal Procedure Code seeking to call for the records pertaining to the cases in S.T.C. No. 488 of 2017 pending on the file of the learned Judicial Magistrate (Fast Track Court), Tiruchengode and S.T.C. Nos. 6 & 7 of 2018 on the file of the learned Judicial Magistrate No. 6, Salem, quash the same by allowing this quash petitions.

For Petitioner : Mr. N. Manoharan (for all).

For Respondents : Mr. S. Icourt Durai (for all).



Crl OP Nos. 16673, 16675 & 16676 / 2019

WEB COPY

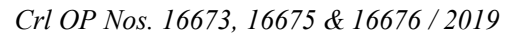
COMMON ORDER

These petitions are to quash the complaints for the alleged offence under Sections 138 and 142 of the Negotiable Instruments Act.

2.It is alleged that the petitioner had issued cheques in favour of the respondents towards discharge of liability and when the said cheques were presented for collection, the same were dishonoured for the reason 'Funds insufficient' and the petitioner did not make payment inspite of the statutory notices and hence the petitioner is liable for the aforesaid offence.

3.The learned counsel for the petitioner submitted that the transactions took place in the years 2015 and 2017. Believing the words of his friends, the petitioner on humanitarian grounds had given twenty blank cheques without understanding the seriousness of the consequences. Further, it is submitted that the petitioner has nothing to do with the alleged transactions and the blank cheques given by the petitioner for different purposes have been misused by the respondents.

The cheque numbers and dates would reveal that all the cheques have



4. Though notice was served on the respondents, none has entered appearance on behalf of them. Hence, this Court appointed Mr. Icourt as legal aid counsel for the respondents.

5. The learned counsel for the respondents submitted that the points raised by the petitioner are factual in nature and the question as to whether the petitioner is liable to pay money to the respondents has to be adjudicated only before the respective trial Courts.

<https://www.mhc.tn.gov.in/judis>
3/6



WEB COPY



Crl OP Nos. 16673, 16675 & 16676 / 2019

7. With these observations, these Criminal Original Petitions are dismissed. Consequently, the connected Miscellaneous petitions are closed.

23.06.2023

ay

Index: Yes/No

Speaking Order / Non-Speaking Order

Neutral Citation: Yes / No

To

1. The Judicial Magistrate (Fast Track Court),
Tiruchengode.

2. The Judicial Magistrate,
Salem.



WEB COPY



Crl OP Nos. 16673, 16675 & 16676 / 2019

SUNDER MOHAN, J

ay

Crl.O.P. No. 16673, 16675 & 16676 of 2019
and
Crl.M.P. Nos. 8387, 8391 & 8393 of 2019



WEB COPY



Crl OP Nos. 16673, 16675 & 16676 / 2019

Dated: 23.06.2023