



Crl.O.P.No.14523 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2023

CORAM

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.14523 of 2023

and

Crl.M.P.Nos.9039 & 9640 of 2023

S.D.Pandiyan

... Petitioner

/vs/

Raj Television Network Limited,
Rep. By its Admin Manager,
Mr.Suresh,
No.32, Poes Road, 2nd Street,
Teynampet, Chennai – 600 018.

... Respondent

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C. to call for the records of the proceeding in C.C.No.6513 of 2013 on the file of the Fast Track Court No.III, Metropolitan Magistrate, Saidapet, Chennai and quash the same.

For Petitioner

... M/s.P. Neethi Kumar

For Respondent

... Mr. P.K.Srinivasan



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ORDER

This Criminal Original Petition has been filed to call for the records of the proceedings in C.C.No.6513 of 2013 on the file of the Fast Track Court No.III, Metropolitan Magistrate, Saidapet, Chennai and quash the same.

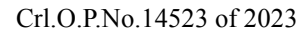
2.The learned counsel for the petitioner submitted that, petitioner is a Cinema Producer. There was a distribution agreement with the respondent in connection with production of cinema, wherein petitioner borrowed a sum of Rs.50 lakhs from the respondent. After the release of the movie, petitioner has to pay the money borrowed from the respondent. Therefore, petitioner issued a cheque bearing No.761303. However, the cheque was returned with an endorsement “insufficient funds”. Legal notice was issued on 22.01.2023. After receiving the legal notice on 23.01.2023, petitioner has not paid the amount. For which, respondent filed a private complaint under section 138 of Negotiable Instruments Act against the petitioner for dishonor of cheque and that has been taken on file in C.C.No.6513 of 2013. In the said circumstances, petitioner filed the present petition.



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3. The learned counsel for the respondent though, not filed vakalat submitted that, now the case is posted for questioning under Section 313 of Cr.P.C. Petitioner went absconding and therefore, non-bailable warrant is pending against him.

4. Considered the rival submissions and perused the records. The reading of the complaint allegations shows that, petitioner introducing him as a producer and copyright holder of the tamil film “Arjunan Kadhali” and entered into agreement dated 12.03.2010 for Coimbatore District and received a sum of Rs.50,00,000/- as distribution advance. Subsequently, petitioner had executed loan agreement dated 15.03.2010 for this amount with an agreement to pay the interest for the amount. However, petitioner failed to fulfill the terms and conditions of the agreement. When the respondent demanded the amount, petitioner issued a cheque bearing No. 761303 drawn at Central Bank of India, Mogaipair Branch, Chennai. When the cheque was presented, it was was returned with an endorsement “insufficient finds”. Legal notice was issued on 22.01.2023. However, after receiving the legal notice on 23.01.2023, petitioner has not paid the



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6. Accordingly, this Criminal Original Petition is dismissed.

30.06.2023

To
Fast Track Court No.III, Metropolitan Magistrate, Saidapet, Chennai



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G.CHANDRASEKHARAN, J.

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