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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.18426 of 2023
and Crl.MP.Nos.12259 and 12260 of 2023

T.Mannan, A-48
S/o.Thiyagarajan

.. Petitioner/Accused

.Vs.

D.Senthil Kumar
S/o.Dharbaranyam

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in STC No.2411 of 2023, on the file of the learned XXV Metropolitan Magistrate, Egmore and quash the same.

For Petitioner : Mr.B.Arvind Srevatsa

For Respondent : Mr.L.Infant Dinesh

ORDER

This criminal original petition has been filed to quash the proceedings in STC.No.2411 of 2023, pending on the file of the XXV Metropolitan Magistrate Court, Egmore.

2.Heard Mr.B.Arvind Srevatsa, learned counsel for the petitioner and

Mr.L.Infant Dinesh, learned counsel for the respondent.



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3. When the matter came up for hearing on 16.8.2023, this Court passed the following order:

Issue notice to the respondent, returnable by 12.09.2023. Private notice is also permitted. The petitioner is also permitted to serve the notice to the counsel, who appeared on behalf of the respondent before the Court below.

2. The main ground that was urged by the learned counsel for the petitioner is that a legal notice dated 15.11.2022 was served on the petitioner and the same makes reference only to the Cheque No.000352 for a sum of Rs.1,35,00,000/- whereas the present case pertains to the Cheque No.000353 for a sum of Rs.65,00,000/-. Hence, it was contended that the very Statutory notice itself did not make reference to the cheque and the amount that is involved in the present case.

3. Post this case under the caption "For Orders" on 12.09.2023.

4. In the meantime, there shall be an interim stay of proceedings in STC.No.2411 of 2023 on the file of the learned XXV Metropolitan Magistrate, Egmore.

4. The respondent/complainant has filed a counter along with relevant documents. On carefully going through the same, it is seen that there are totally two complaints that have been filed by the respondent/complainant against the petitioner and one complaint pertains to the cheque that was issued for a sum of Rs.1.35 crores and the other case pertains to the cheque issued for a sum of Rs.65/- lakhs. Legal notice was issued in both the cases and the cases are also pending before the same Court. The respondent has taken a stand in the counter that there



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was wrong marking of the legal notice in both the cases and that is sought to be taken advantage by the petitioner.

5.It is clear from the above that there is a factual dispute involved in this case and the same cannot gone into by this Court in exercise of its jurisdiction u/s.482 of Cr.PC. It is left open to the parties to raise all the grounds before the Court below in accordance with law.

6.In the result, this criminal original petition is disposed of accordingly. Consequently, connected miscellaneous petitions are closed.

12.09.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
KP

To

XXV Metropolitan Magistrate Court
Egmore.



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N. ANAND VENKATESH,, J.
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