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Crl.O.P.No.22029 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2023

CORAM:

THE HON'BLE MR.JUSTICE **SUNDER MOHAN**

Crl.O.P.No.22029 of 2019 and
Crl.M.P.Nos.11430 & 11431 of 2019

S.Sellasamy

... Petitioner

Vs.

A.Chitra

... Respondent

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records in C.C.No.7584 of 2018 on the file of Learned Fast Track Court No.III, Saidapet quash the entire proceedings.

For Petitioner : Mr.C.D.Johnson

For Respondent : No appearance (Notice not ready)

ORDER

This Criminal Original Petition has been filed to quash the complaint under Section 138 of the Negotiable Instruments Act.

2. It is alleged in the complaint that the petitioner had issued a cheque for Rs.3,00,000/- for discharge of liability to the respondent. The said cheque was returned for the reason 'insufficient funds'. In spite of the statutory notice,



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the petitioner did not make the payment and hence the complaint.

WEB COPY 3. Learned counsel for the petitioner would submit that there is no amount due by the petitioner to the defacto complainant. Learned counsel for the petitioner would submit that the respondent took away the signed cheque without his knowledge and that there is no liability and hence, the impugned complaint deserves to be quashed.

4. This Court finds that the points raised by the petitioner is factual in nature and has to be adjudicated only during trial. Hence, this Court is not inclined to entertain this quash petition. It is open to the petitioner to raise all his contentions before the trial Court.

5. The personal appearance of the petitioner before the trial Court is dispensed with unless, the learned Magistrate thinks his presence is necessary for the progress of the trial.

6. With the above observations, this Criminal Original Petition is dismissed. Consequently, the connected miscellaneous petitions are closed.

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Index: Yes/No
Speaking / Non Speaking Order

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- To
1. The Fast Track Court No.III,
Saidapet,
Chennai
 2. The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J

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