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Crl.O.P.No.22451 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.10.2023

CORAM :

THE HONOURABLE Dr. JUSTICE G.JAYACHANDRAN

Crl.O.P.No.22451 of 2023
and
Crl.M.P. Nos.15647 & 15649 of 2023

Mopuri Sreenivas Kiran

... Petitioners

-VS-

Pedireddy Rajasekhar Ravou

...Respondent

PRAYER : Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to call for the records and quash the proceedings pending against the petitioner in S.T.C. No.19 of 2020 on the file of the Sub Court cum Judicial Magistrate Court, Yanam.

For Petitioner : Mr.K.Balasubramaniam

ORDER

The petition is filed to quash the private complaint initiated under Section 138 of Negotiable Instruments Act, 1881. The petitioner herein contends that the cheque was not issued for discharge of any liability and already a civil suit is pending between the parties regarding the sale transaction of a property situated in S.No.10/1 of P.Mallavaram Village.



Dr.G.JAYACHANDRAN, J.

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2. The ground raised to quash the complaint are all factual in nature which cannot be considered summarily by this Court in exercise of power under Section 482 of Cr.P.C. The issuance of cheque is admitted and liability alone is disputed. Therefore, the petition to quash is dismissed. Dismissal of this petition shall not prejudice the trial Court while deciding the case on merits and the petitioner is at liberty to raise all the points at the time of trial. Connected Miscellaneous Petitions are also dismissed.

06.10.2023

Internet : Yes/No

Index : Yes/No

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To

1. The Sub Court cum Judicial Magistrate Court,
Yanam.

2. The Public Prosecutor,
Madras High Court, Madras.

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and

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