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Crl.O.P.No.22720 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :06.11.2023

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.22720 of 2023

and

Crl.M.P.Nos.15880 of 2023

Baskaran

... Petitioner

Vs.

Ponnusamy

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleaded to call for the records pertaining to the case in STC.No.16 of 2022 on the file of the Fast Track Court, Judicial Magistrate Level, Attur and quash the same.

For Petitioner : Mr.M.Appaji

ORDER

This Criminal Original Petition is filed to quash the private complaint initiated under Section 138 of Negotiable Instruments Act.

2. The learned counsel appearing for the petitioner submitted that since the cheque was returned with an endorsement signature differs, the



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case will not fall within the scope and ambit of the offence under Section 138 of N.I.Act.

3. This Court been repeatedly holding that the offence under Section 138 of N.I.Act gets attracted once if the cheque is issued for discharge of debt without fund, the pre-requisite the cheque should have been drawn from the account maintained by the drawer. As far as this case is concerned, it is not a case of the petitioner that he does not owe the money to the complainant or the cheque was not issued by him. Therefore, the petition to quash cannot be entertained. Hence this Criminal Original Petition is dismissed. Consequently, the connected Criminal Miscellaneous Petition is also dismissed.

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Index : Yes/No
Neutral Citation : Yes/No
rpl

To

The Fast Track Court, Judicial Magistrate Level, Attur



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Dr.G.JAYACHANDRAN, J.

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