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Crl.O.P.No.22863 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.22863 of 2023

and

Crl.M.P.No.16011 of 2023

B.Santhosh

... Petitioner

Vs.

Y.Illayaraja

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleaded to call for the records and quash the impugned summon in S.T.C.No.356 of 2023 on the file of the Additional District Magistrate Cum Judicial Magistrate at Ambur, Vellore, District to secure the ends of Justice.

For Petitioner : Mr.V.Iniyavan

ORDER

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



2. The learned counsel for the petitioner submitted that, cheque was stolen. Therefore, he had given complaint to the police as well as to the bank to stop payment. However, Banker has not entertained the petition and returned the cheque on presentation with an endorsement “Insufficient of Funds” Therefore, he seeks prosecution to be quashed.

3. This Court on perusing the records finds that, it is a matter of fact which has to be tested by the trial Court, whether the cheque was stolen or given for discharge of debt. Similarly, these facts cannot be decided under Section 482 of Cr.P.C.

4. Accordingly, this Criminal Original petition is dismissed. Consequently, connected miscellaneous petition is closed.

06.11.2023

Index : Yes/No
Neutral Citation : Yes/No

Sma



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WEB COPY To:

Additional District Magistrate Cum Judicial Magistrate,
Ambur, Vellore, District



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Dr.G.JAYACHANDRAN,J.

Sma

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