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Crl.O.P.No.22352 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.10.2023

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

**Crl.O.P.No.22352 of 2023
and Crl.MP.Nos.15518 and 15519 of 2023**

G.Sivakumar

... Petitioner

Vs.

M.Ganesh

... Respondent

Prayer: Petition filed under Section 482 of Cr.P.C., to call for the records in S.T.C. No.864 of 2023 on the file of IV Fast Track Court, Metropolitan Magistrate, George Town, Chennai and quash the same.

For Petitioners : Mr.B.Kumarasamy
For Respondent : No Appearance

ORDER

The petition to quash the private complaint instituted under Section 138 of Negotiable Instruments Act.



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2. The learned counsel appearing for the petitioner submits that the complaint is hopelessly barred by limitation. He admittedly borrowed the money in the year 2016 and 2017, whereas the alleged cheque is dated 19.12.2022. However, on reading the complaint, this Court finds in para-2 of the complaint, it is stated that the accused paid a sum of Rs.5,000/- on 18.02.2019 and another sum of Rs.5,000/- on 11.12.2021, which was partial discharged from the loan amount, and therefore issued two separate cheques. If it is so, the limitation is saved by the subsequent payments in the years 2019 and 2021. However, it is a question of fact which has been tested in the course of the trial. The petitioner is at liberty to raise the points at the Trial. It is the observation, the petitioner to quash the complaint is disposed of.

3. Accordingly, this Criminal Original Petition is disposed of. Consequently, connected Miscellaneous Petitions are closed.

04.10.2023

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To

1. The Fast Track Court No.IV,
Metropolitan Magistrate, George Town, Chennai



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DR.G.JAYACHANDRAN, J.

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