



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06-11-2023

CORAM

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

Crl. OP No.23107 of 2023

And

Crl.MP No.16215 of 2023

B.Santhosh

... Petitioner/Accused

Vs.

A.S.Faisal Zamal

... Respondent/Complainant

Prayer: Criminal Original Petition has been filed under Section 482 of the Code of Criminal Procedure, against the impugned summon in STC No.348 of 2023 dated 25.07.2023 on the file of the learned Additional District Munsif cum Judicial Magistrate Court, Ambur, Tirupattur District issued under Section 138 of Negotiable Instruments Act, 1881 is unjust and illegal.

For Petitioner

: Mr.V.Iniyavan



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ORDER

The present Criminal Original Petition has been filed by the petitioner to quash the private complaint initiated against him under Section 138 of Negotiable Instruments Act, 1881.

2. The learned counsel for the petitioner submitted that cheques were stolen. Therefore, he had given complaint to the police as well as to the Bank to stop payments. However, the Banker has not entertained the petition and returned the cheques on presentation with an endorsement “Insufficient Funds” Therefore, the petitioner 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 cheques were stolen or given for discharge of debts. Similarly, these facts cannot be decided by this Court under Section 482 of the Code of Criminal Procedure.



4. Accordingly, the present Criminal Original petition stands dismissed. Consequently, the connected Criminal Miscellaneous Petition is also dismissed.

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Index : Yes/No

Internet: Yes/No

Speaking order/Non-Speaking order

Neutral Citation : Yes/No

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To

- 1.The Additional District Munsif cum Judicial Magistrate Court,
Ambur,
Tirupattur District.
- 2.The Public Prosecutor,
High Court of Madras,
Chennai.



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DR.G.JAYACHANDRAN, J.

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