



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2023

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.29551 of 2019

And

Crl.M.P.No. 15943 of 2019

C.Kumaravel

... Petitioner

Vs

G.Rajaraman

...Respondent

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records pertaining to the proceedings in S.T.C.No. 131 of 2014 on the file of the Judicial Magistraet No.1 at Panruti and quash the same.

For Petitioner : Mr. P.Suresh

For Respondent : No appearance

ORDER

The petitioner seeks to quash a complaint in S.T.C.No. 131 of 2014 under Section 138 of the Negotiable Instrument Act.



2. It is alleged in the complaint that the petitioner had issued a cheque for Rs.50,00,000/- lakhs on 07.06.2013 towards discharge of loan taken from the respondent/complainant. When the said cheque was presented for collection, the same was dishonoured for the reasons 'funds insufficient'. The petitioner did not make the payment inspite of the statutory notice.

3. The learned counsel for the petitioner submitted that though he had taken advance of Rs.50,00,000/- lakhs, he executed a sale agreement in favour of the respondent's son. The said cheque was issued as security and was not meant for presentation. The respondent has misused the cheque and has filed the impugned complaint.

4. This Court is of the view that the point raised by the petitioner can be adjudicated only in the trial proceedings. The petitioner is at liberty to raise all these points before the trial Court and this Court is not inclined to entertain the quash petition.



5. With the above observation, this Criminal Original Petition is dismissed. Consequently, connected Criminal Miscellaneous Petition is also dismissed.

16.03.2023

Index:Yes

vsg

Index: Yes/No

Speaking Order / Non-Speaking Order

Neutral Citation: Yes / No

To

The Judicial Magistraet No.1 at Panruti



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SUNDER MOHAN. J.

vsg

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