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Crl.O.P.No.25039 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :08.11.2023

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.25039 of 2023
and Crl.M.P.Nos.17340 & 17341 of 2023

J.Panneerselvam

... Petitioner

Vs.

R.G.Kumerasan

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleaded to call for the records pertaining to the proceedings in S.T.C.No.466 of 2023 on the file of the Judicial Magistrate Fast Track Court, Poonamallee and quash the same.

For Petitioner : Mr.R.Malaichamy

ORDER

The petitioner herein is the accused for an offence under Section 138 of Negotiable Instrument Act proceedings before this Court to quash the case against him, which was taken on file in S.T.C.No.466 of 2023.

2. According to the petitioner, he admits that the borrowing of loan from the complainant and issued cheque for repayment. However,



alleges that even after discharging the loan amount, the defacto complainant demanding exorbitant amount has been putting him harassment and threat and also collected his ATM card and pension passbook. In this connection the petition under Section 482 Cr.P.C., seeking direction. It is also contended that in the course of investigation, the complainant has admitted the possession of signed blank cheques and ATM card and promised to return it, but failed to return the same.

3. These facts are to be considered by the trial Court while examining the witnesses and this Court cannot under Section 482 Cr.P.C., take note of the statement given to the police in the course of investigation to arrive at conclusion that the cheque was not issued for discharge of debt. More particularly, the petitioner admits that the money transaction with the defacto complainant and the cheque was given for discharge of debt in 15 equal monthly instalments. Hence this Criminal Original Petition is dismissed. Consequently, the connected Criminal Miscellaneous Petitions are also dismissed.

08.11.2023

Index : Yes/No



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Neutral Citation : Yes/No
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To

The Judicial Magistrate, Pappireddipatty.



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Dr.G.JAYACHANDRAN, J.

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