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Crl.O.P.No.31158 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.03.2023

CORAM:

THE HON'BLE MR.JUSTICE **SUNDER MOHAN**

Crl.O.P.No.31158 of 2019 and
Crl.M.P.Nos.16976 & 16977 of 2019

A.Arumugam

... Petitioner

Vs.

1.M/s.Sree Gokulam Chit and Finance Co. Pvt. Ltd.
Rep. by its authorised person-cum-Assistant Manager,
Mr.R.Harikrishnan, S/o.M.Ramasamy,
2/6, LBS Tower, Bharathiar Road,
Ganapathy P.O., Coimbatore-641 00.

2.A.Loganathan

... Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C., to
call for the records in C.C.No.77 of 2017, on the file of Fast Track Court-I at
Coimbatore and quash the same.

For Petitioner : Mr.D.Dhayalan

For Respondents : Mr.L.Rajasekar for R1
No appearance for R2
(Notice served)



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ORDER

WEB COPY This petition is filed to quash the proceedings in C.C.No.77 of 2017, on the file of Fast Track Court-I at Coimbatore under Sections 138 and 142 of the Negotiable Instruments Act.

2. It is alleged that the petitioner had issued a cheque in favour of the respondent and the said cheque was dishonoured.

3. Learned counsel for the petitioner submitted that the money due under the cheque was already settled in favour of the complainant in the arbitration proceedings and relied upon the order passed in the arbitration proceedings. Learned counsel further submitted that Section 138 statutory notice does not contain the cheque number and prayed for quashing of the complaint stating that there is no money due to the complainant by the petitioner.

4. Learned counsel for the complainant would submit that the trial had commenced and nearing completion as the case is posted for arguments on 20.03.2023.



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5. In view of the advanced stage of the trial and the points raised by the petitioner are factual in nature, this Court is not inclined to entertain the quash petition. However, the petitioner is at liberty to produce all the documents and establish his case before the trial Court.

6. With the above observations, this Criminal Original Petition is dismissed. Consequently, the connected miscellaneous petitions are closed.

17.03.2023

Index: Yes/No

Speaking / Non Speaking Order

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To

The Fast Track Court-I,

Coimbatore



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SUNDER MOHAN, J

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