



Crl.O.P.No.27997 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2023

CORAM:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.27997 of 2023

and

Crl.M.P.Nos.19429 & 19431 of 2023

Suresh

.. Petitioner

/versus/

Thirumagal

.. Respondent

Criminal Original Petition is filed under Section 482 of Cr.P.C., to quash the complaint in S.T.C.No.178 of 2023 on the file of the learned Judicial Magistrate, Sankarapuram.

For Petitioner : Mr.D.Murugan

ORDER

This Criminal Original Petition is filed to quash the private complaint pending on the file of the learned Judicial Magistrate, Sankarapuram in S.T.C.No.178 of 2023.



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2. The learned counsel appearing for the petitioner submits that the complaint is abuse of process of law. The complainant is guilty of suppression of material facts. The complaint is not made out for any offence under Section 138 of N.I.Act and no cause of action arose for taking cognizance of the complaint. Without explaining for what purpose the cheque was issued, the complaint been filed and taken cognizance by the trial Court erroneously.

3. This Court scrutinised the documents filed along with the complaint found that the complaint is in respect of issuance of cheque for Rs.15,00,000/- in favour of the complainant by the petitioner/accused. In the complaint, it is stated that the cheque was issued to discharge the debt of Rs.15,00,000/-, statutory notice been issued and same was received by the petitioner herein, but he has not replied to the statutory notice and after awaiting for 15 days, complaint been filed. The requirement to sustain the complaint under Section 138 of N.I.Act is *prima facie* made out and Court finds no infirmity in taking cognizance. If at all the petitioner has any



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defence that the cheque was not issued to discharge any debts, it is purely the matter for trial. Hence the Petition to quash is not maintainable.

4. As a result, this Criminal Original Petition is dismissed. Consequently, the connected Criminal Miscellaneous Petitions are also dismissed.

19.12.2023

Netural Citation:yes/no
rpl

To:

The Judicial Magistrate, Sankarapuram.



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Dr.G.JAYACHANDRAN, J.

rpl

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