



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Thursday, the Second day of February Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) No.1875 of 2023

AND

CRL MP(MD) No.1652 of 2023

P.RAVI

... PETITIONER/ACCUSED No.3

Vs

K.SURESH KUMAR

... RESPONDENT/COMPLAINANT

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to call for the records relating to S.T.C No. 288 of 2022 pending on the file of the Judicial Magistrate / Fast Track Court, Thoothukudi, quash the same as against the petitioner.

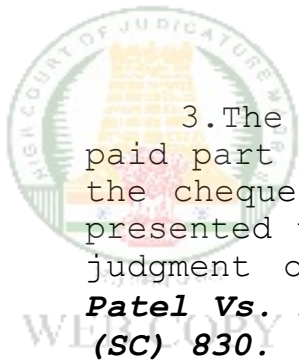
Prayer in CRL MP(MD). 1652/ 2023 :

To Stay of all further proceedings S.T.C No. 288 of 2022 pending on the file of the Judicial Magistrate/Fast Track Court, Thoothukudi pending disposal of the above Criminal Original Petition.

ORDER : This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.J.SELVA KUMARAN, Advocate for Mrs.R.JENIFAR BIBIN, Advocate for the petitioner, the court made the following order:-

This criminal original petition has been filed seeking to quash the charge sheet in S.T.C No. 288 of 2022 pending on the file of the Judicial Magistrate / Fast Track Court, Thoothukudi.

2.The respondent/complainant has lodged a complaint under Section 138 r/w 142 of Negotiable Instrument Act, 1881, against the petitioner and the same is pending in S.T.C No. 288 of 2022 before the Judicial Magistrate / Fast Track Court, Thoothukudi.



3.The main contention of the petitioner is that he has already paid part payment i.e., Rs.2,00,000/- and the same was paid towards the cheque in question and that without endorsing the same, he has presented the cheque for collection. Further, he has relied on the judgment of the Hon'ble Supreme Court in **Dashrathbhai Trikambhai Patel Vs. Hitesh Mahendrabhai Patel & Anr.** reported in **2022 LiveLaw (SC) 830.**

4.The above judgment was given in an appeal filed against the dismissal of the appeal, challenging the judgment of the Additional Chief Judicial Magistrate, acquitting the accused for the offence under Section 138 of Negotiable Instruments Act 1881. Whether the petitioner has paid the sum of Rs.2,00,000/- or not, is a matter for trial and that it is not a ground for quashing the complaint in S.T.C No. 288 of 2022 pending on the file of the Judicial Magistrate / Fast Track Court, Thoothukudi.

5.Since the petitioner has not canvassed any other reason or ground for quash the charge sheet, this criminal original petition is dismissed. The petitioner is at liberty to canvass the grounds now raised before the trial Court. Consequently, connected miscellaneous petition is closed.

sd/-

02/02/2023

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/02/2023

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

LR

TO

1 THE JUDICIAL MAGISTRATE,
FAST TRACK COURT, THOOTHUKUDI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.

+1. CC to M/S.JENIFAR BIBIN.R Advocate SR.No.6027 (F)
Dt.03/02/2023.

ORDER

IN

CRL OP(MD) No.1875 of 2023

AND

CRL MP(MD) No.1652 of 2023

Date :02/02/2023

SS/Vs/SAR.1/24.02.2023/2P/4C