



Crl.O.P.Nos.7522,7526 & 7529 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:10.04.2024

Coram:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.Nos.7522, 7526 and 7529 of 2024 &

Crl.M.P.Nos.5459, 5466 of 2024 &

Crl.M.P.Nos.5468, 5470, 5472 & 5462 of 2024

Crl.O.P.No.7522 of 2024:

P.Ramani, F/40 years

W/o Prabhakaran,

Proprietor, “Shree Lakshmi Surgicals”

No.32, 2nd Street,

Mayiladuthurai 609 001.

.. Petitioner

/versus/

Mrs.C.B.Sowjanya

Proprietrix, “Safe Med Devices”,

No.4/28, 2nd Main Road, Vengeeswarar Nagar,

Vadapalani, Chennai 600 026,

(Represented herein by the Manager cum

power of attorney agent Mr.A.Kumaresan)

.. Respondent

Criminal Original Petition has been filed under Section 482 of Cr.P.C., to call for the records relating to the complaint in C.C.No.1405 of 2020 on the file of the Fast Track Magistrate No.III, Saidapet, Chennai and quash the same as far as the petitioner is concerned.

For Petitioner :Mr.V.Sakkarapani



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Crl.O.P.No.7526 of 2024:

P.Ramani, F/40 years
W/o Prabhakaran,
Proprietor, “Shree Lakshmi Surgicals”
No.32, 2nd Street,
Mayiladuthurai 609 001.

.. Petitioner

/versus/

Mrs.C.B.Sowjanya
Proprietrix, “Safe Med Devices”,
No.4/28, 2nd Main Road, Vengeeswarar Nagar,
Vadapalani, Chennai 600 026,
(Represented herein by the Manager cum
power of attorney agent Mr.A.Kumaresan)

.. Respondent

Criminal Original Petition has been filed under Section 482 of Cr.P.C., to call for the records relating to the complaint in C.C.No.1406 of 2020 on the file of the Fast Track Magistrate No.III, Saidapet, Chennai and quash the same as far as the petitioner is concerned.

For Petitioner :Mr.V.Sakkarapani

Crl.O.P.No.7529 of 2024:

P.Ramani, F/40 years
W/o Prabhakaran,
Proprietor, “Shree Lakshmi Surgicals”
No.32, 2nd Street,
Mayiladuthurai 609 001.

.. Petitioner

/versus/



Crl.O.P.Nos.7522,7526 & 7529 of 2024

Mrs.C.B.Sowjanya
Proprietrix, “Safe Med Devices”,
No.4/28, 2nd Main Road, Vengeeswarar Nagar,
Vadapalani, Chennai 600 026,
(Represented herein by the Manager cum
power of attorney agent Mr.A.Kumaresan) .. Respondent

Criminal Original Petition has been filed under Section 482 of Cr.P.C., to call for the records relating to the complaint in C.C.No.1407 of 2020 on the file of the Fast Track Magistrate No.III, Saidapet, Chennai and quash the same as far as the petitioner is concerned.

For Petitioner :Mr.V.Sakkarapani

COMMON ORDER

These Criminal Original Petitions are filed under Section 482 of Cr.P.C., to quash the private complaint arising out of the offence under Sections 138 and 142 of the NI Act (as amended).

2. The learned counsel appearing for the petitioners states that even before presentation of the cheque, the petitioner/accused informed the complainant that the cheque is not enforceable and also she intimated the bank to stop payment. While so, the complaint under Section 138 of the NI Act will not lie.



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3. This Court is of the view that a mere intimation from the bank to stop payment will not save the drawer of the cheque being prosecuted under Section 138 of the NI Act. The reason for stop the payment and the facts that the cheque was not issued for enforceable debt has to be proved in the course of trial. Therefore, in the quash petitions, those disputed facts cannot be decided. Hence, these Criminal Original Petitions are dismissed. However, any observation made in this order shall not prejudice to the trial while deciding the case on merits. Consequently, connected Miscellaneous Petitions are closed.

10.04.2024

Index:yes/no
Neutral Citation:yes/no
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To

The Fast Track Magistrate No.III, Saidapet, Chennai.



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DR.G.JAYACHANDRAN,J.

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