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Crl.OP.Nos.7791, 7793, 7798 and 7799 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.04.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.OP.Nos.7791, 7793, 7798 and 7799 of 2024

and

Crl.MP.Nos.5705, 5706, 5709, 5710, 5712, 5713, 5715 and 5716 of 2024

P.Nallusamy

... Petitioner
(in all OPs')

Vs.

M/s.Winner India City Developers Pvt Ltd.,
Represented by its Power Agent
K.Selvakumar
48/133, Narayana Guru Road,
Saibaba Mission,
Coimbatore.

... Respondent
(in all OPs')

Common Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleaded to quash the complaint in C.C.Nos.516, 515,419 and 514 of 2013 respectively on the file of the Judicial Magistrate, Fast Track Court-I, Coimbatore for the offence under Section 138 of the Negotiable Instruments Act, 1881.

For Petitioner : Mr.N.Vignesh
((in all OPs')



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COMMON ORDER

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The petitioner herein is the accused in a private complaint initiated under Section 138 of Negotiable Instruments Act. Several factual issues been raised in this petition to quash this which has to be decided by the trial Court and not summarily under Section 482 of Cr.P.C.

2. Though it is contended that the initiation of criminal complaint is an abuse of process. When the cheque is issued by the petitioner herein whether it is also issued for a legal enforcement debt or not is a matter for trial. Hence, this Court finds no reason to interfere in exercising his inherent power. Hence, these Criminal Original Petitions are dismissed. Consequently, the connected miscellaneous petitions are closed.

3. However, it is always open to the petitioner herein to canvass his defence before the trial court and established his innocence and discharged the reverse burden against him.

Vv

04.04.2024



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To

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The Judicial Magistrate,
Fast Track Court-I, Coimbatore



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Crl.OP.Nos.7791, 7793, 7798 and 7799 of 2024

Dr.G.JAYACHANDRAN,J.

Vv

Crl.OP.Nos.7791, 7793, 7798 and 7799 of 2024
and
Crl.MP.Nos.5755 and 5757 of 2024

04.04.2024