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Crl.OP.No.14187 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.14187 of 2024

and

Crl.MP.Nos.8659 and 8660 of 2024

I.S.Sathiskumar

... Petitioner

Vs.

M/s.Marina Electricals,
by its Managing Partner,
D.Subramaniam,
No.106, Big Street,
Triplicane, Chennai - 600 005.

... Respondent

Prayer: The Criminal Original Petition is filed under Section 482 of Cr.P.C. to call for the records in C.C.No.5796 of 2017 on the file of the XIV Metropolitan Magistrate, Egmore at Allikulam, Chennai, and quash the same.

For Petitioner : Mr.M.Pravin

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ORDER

The petitioner herein who is arrayed as 3rd accused in a complaint initiated under Section 138 of Negotiable Instruments Act is before this



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Court to quash the complaint in C.C.No.5796 of 2017 pending on the file of the learned XIV Metropolitan Magistrate, Egmore, Chennai. After seven years, the present petition is filed to quash on the ground that the petitioner was not a partner in the firm which issued the cheque.

2. When this Court put a pointed question to the learned counsel for the petitioner whether this fact was brought to the notice of the complainant, when he issued statutory notice on bouncing of the cheque for the petitioner, the learned counsel for the petitioner answered in negative.

3. Whether the cheque was issued by the partnership firm when the petitioner was partner in the firm or after his retirement from the partnership is a matter of fact which has to be proved in the course of trial, where the petitioner has burden to discharge the presumption. Therefore, the criminal original petition to quash filed under Section 482 of Cr.P.c is dismissed on the ground that disputed facts cannot be tested summarily by exercising inherent power of this Court. Consequently, the connected miscellaneous petitions are closed.

19.06.2024

Vv



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Dr.G. JAYACHANDRAN, J.

Vv

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