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CrI.OP.No.22274 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.09.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

CrI.OP.No.22274 of 2024
and CrI.MP.No.12702 of 2024

N.Sekar

.. Petitioner

Vs.

K.Sivakumar

.. Respondent

Prayer: Criminal Original Petition is filed under Section 528 of BNSS Act, 2023 to call for the records and to quash the C.C.No.5307 of 2016 pending before the learned V Fast Track Court, Saidapet, Chennai.

For Petitioner : Mr.S.Selvaraj

ORDER

The petitioner herein is facing prosecution under Section 138 of Negotiable Instruments Act for alleged issuance of cheque pending before the V Fast Track Court, Saidapet, Chennai in C.C.No.5307 of 2016.

2. The learned counsel appearing for the petitioner states that he had never seen the complainant and the cheque has become stayed in the



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year 2012 itself after introduction of IFC Code been misused by the complainant. He further submits that the cheque was returned with an endorsement ' no such account ', since the petitioner has closed the account in the year 2008 itself. He also submits that there was money transaction between the petitioner and one Sri Thirumurugan Agency, Wall Tax Road, Chennai. In this connection, suit for recovery of money filed by the petitioner as against Shanmugam, the Proprietor of the Sri Thirumurugan Agency as an under Chapter Suit and decree obtained and in the said transaction to counter blast the decree obtained by the petitioner, the present complaint been filed.

3. This Court after giving anxious consideration to the submissions made by the counsel finds all the defences taken by the petitioner or matter of fact which has to be tested in the course of trial. Hence, the petition to quash is dismissed with the liberty to the petitioner herein to raise these grounds before the trial and established his innocence. Consequently, the connected miscellaneous petition is closed.

11.09.2024

Vv



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To
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1. The V Fast Track Court, Saidapet, Chennai.

Dr.G.JAYACHANDRAN,J.



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