



WEB COPY



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

CRL.OP.No.15237 of 2024

and

CRL.MP.No.9313 of 2024

J.Jayapaul Mohan

... Petitioner

J. Sam David

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records related to the STC.No.9417 of 2023 on the file of XXVI Metropolitan Magistrate Court, Egmore, Chennai and to quash the same.

For Petitioner : Ms.T.S.Kani

ORDER

The Petitioner herein is the accused in a complaint taken on file for the offence under Section 138 of the Negotiable Instruments Act.

2. Learned counsel for the petitioner would submit that the complainant has no way to pay advance of Rs.27 lakhs. Therefore, on the



WEB COPY

face of the complaint, it is an exaggerated one by presenting the cheque issued from the account already closed and given as security. The learned counsel further submitted that the reason for borrowing is untrue and when there is already conflict and dispute between the complainant and the accused/petitioner, there is no question of issuing a cheque.

3. These arguments and points now canvassed are factual in nature which has to be canvassed before the trial court. This petition is dismissed with liberty to the petitioner herein to agitate before the trial court all the defenses which he has now argued. Consequently, connected miscellaneous petition is closed.

28.06.2024

Index: Yes/No
Speaking/Non-speaking order
gv



WEB COPY



To

The XXVI Metropolitan Magistrate Court,
Egmore, Chennai



WEB COPY



Dr.G.JAYACHANDRAN,J.

gv

**CRL.OP.No.15237 of 2024
and
CRL.MP.No.9313 of 2024**

28.06.2024