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Crl.OP.No.15058 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.08.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.OP.No.15058 of 2024

Mrs.Hemalatha S.

... Petitioner

Vs.

M/s. K.B. Associates
Rep. by its Mr.Kaplesh B Jain,
No.18, Hunters Road, Vepery,
Power of Attorney,
Mr.S.Harikrishnan
S/o. N.Selvam

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, praying to call for records and quash the entire proceedings in C.C.No.557 of 2019 pending before the learned FTC-II, Metropolitan Magistrate Court at Allikulam, Egmore at Chennai.

For Petitioner : Mr.P.Jesus Moris Ravi

For Respondent : Ms.R.Meenakshi Devi



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ORDER

The private complaint of the 2019 pending on the file of the Metropolitan Magistrate Court, Allikulam for the past 5 years is now sought to be quashed on the ground that substantial payment towards the due made by the accused but without taking credit of those payment, cheque issued as security for a sum of Rs.2,50,000/- lakhs has been misused by the complainant.

2. In the petition it is stated that the petitioner/ accused is always ready and willing to settle the old loan which is pending for a sum of Rs.1,67,000/-, even though it is barred by limitation. However, the cheque for Rs.2,50,000/- lakhs cannot be used as a tool to prosecute the petitioner herein.

3. The counsel appearing for the respondent complainant submits that the petitioner herein for the loan received on 17.07.2017 gave this subject cheque to discharge the loan on 11.07.2018. The cheque on presentation returned with an endorsement payment stopped that has led to instituting the private compliant. Nearly after six years of the



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borrowing, the petitioner had made a fake offer to repay only 1,67,000/-.

It is not a time bar debt as alleged by the petitioner and therefore, the complaint need to be tried and suitable direction to the Trial Court to complete it within a reasonable time to be issued.

4. This Court on perusing the record and considering the rival claim find that the averments made by the petitioner herein regarding partial payment of the liability are facts which has to be proved in the course of the trial Court.

5. Hence the criminal original petition quash stand dismissed.

12.08.2024

jv

Index: Yes/No

Internet: Yes/No

To

1. The Fast Track -II,
Metropolitan Magistrate Court,
Allikulam, Egmore, Chennai.

2. The Public Prosecutor,
High Court of Madras,
Chennai 600 104.



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Dr.G.JAYACHANDRAN,J.

jv

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