



WEB COPY



Crl.OP.No.15688 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.OP.No.15688 of 2024

and

Crl.MP.Nos.9587 of 2024

A.Srinivasan

... Petitioner

Vs.

M.Ganesh

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C to call for the records in S.T.C.No.865/2023 on the file of the IV FTC Metropolitan Magistrate Court, George Town, Chennai and quash the same.

For Petitioner : Mr.J.Rajmohan

ORDER

The petitioner herein is an accused in STC.No.865 of 2022 on the file of IV Fast Track Court, Metropolitan Magistrate, George Town, Chennai.

2. Claiming that the cheque of Corporation Bank which has



CrI.OP.No.15688 of 2024

become invalid after its merger on 01.07.2021 been presented by the complainant on 19.12.2022. Hence, complaint under Section 138 of Negotiable Instruments Act is not maintainable.

3. That apart, the learned counsel for the petitioner also pointing out the contradictions in the statutory notice and in the complaint regarding the transfer of money by the petitioner to the accused submit that while in the statutory notice the complainant claims that on 06.05.2016, a sum of Rs.1,50,000/- was transferred to the account of the accused by way of bank transfer. After receipt of the reply in the complaint he has stated that a sum of Rs.1,50,000/- was transferred to the account of the accused wife on three different dates. This contradiction *per se* prove that there is no legally enforceable debt payable by the petitioner/accused.

4. This Court finds that the petitioner after issuance of the cheque has written to the Corporation Bank stating that this cheque books had been lost and therefore not to honour any cheque. Further, from the complaint, it appears that for the money received by the wife of the accused, the petitioner has executed promissory note in favour of the



CrI.OP.No.15688 of 2024

complainant. Therefore, from the reading of the complaint and the statutory notice, it is satisfactorily pleaded by the complainant that the cheque was issued for discharge of liability from the account maintained by the petitioner and the said cheque been dishonoured for want of fund. Therefore, the matter is not fit to be entertained under Section 482 of Cr.P.C to quash.

5. Accordingly, this Criminal Original Petition is dismissed. Consequently, the connected miscellaneous petition is closed.

04.07.2024

Vv

To

1. The IV FTC Metropolitan Magistrate Court,
George Town, Chennai
2. The Public Prosecutor,
High Court of Madras, Chennai.

Dr.G.JAYACHANDRAN,J.



WEB COPY



CrI.OP.No.15688 of 2024

Vv

**CrI.OP.No.15688 of 2024
and
CrI.MP.No.9587 of 2024**

04.07.2024