



WEB COPY



Crl.OP.No.16070 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.07.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.OP.No.16070 of 2024

and

Crl.MP.Nos.9787 and 9791 of 2024

O.Murugesan

... Petitioner

Vs.

A.P.Arumugam

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the entire records in S.T.C.No.154 of 2023 on the file of the Fast Track Court, Judicial Magistrate Level-I, Attur, Salem District and quash the same.

For Petitioner : Mr.M.Pitchai Muthu

ORDER

This Criminal Original Petition is filed to quash the private complaint initiated under Section 138 of Negotiable Instruments Act on the ground that there is no enforceable liability between the complainant and the accused. The real transaction is only with one Thavamani who died on 08.08.2020. The blank cheques have given to the said Thavamani



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as security, misused by the complainant Arumugam. This Court however, on perusing the reply notice given by the accused finds that the debt of Rs.9,00,000/- payable to Thavamani been admitted and Thavamani has introduced Arumugam to the accused herein.

2. Pursuant to that, there are some money transaction into the account of Arumugam towards the payment of interest. Therefore, the plea taken by the petitioner herein that there is no enforceable debt between the petitioner and the complainant appears to be factually not correct. However the matter is tested during the course of trial. Hence, this Criminal Original Petition to quash STC.No.154 of 2023 stands dismissed with liberty to the petitioner to canvass the points in his defense during the trial. Consequently, the connected miscellaneous petitions are closed.

Vv

09.07.2024

To
The Fast Track Court,
Judicial Magistrate Level-I,
Attur, Salem District.

Dr.G.JAYACHANDRAN,J.



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