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Crl.O.P.No.17358 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:23.07.2024

Coram:

THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN

Crl.O.P.No.17358 of 2024

and

Crl.M.P.No.10374 of 2024

Khudrathullah Mohammed Faiyaz  
Proprietor of M/s Metro Precast Products,  
No.12, MNR Nagar, Arigailpadi Village,  
Thakolam Post 631 151,  
Arakkonam Taluk,  
Ranipet District.

.. Petitioner

/versus/

L.Kesavan  
S/o Loganathan  
Proprietor of M/s Suresh Electrical,  
Having his office at  
Door No.60/10, Chennai Bye Pass Road,  
Tiruttani 631 209,  
Thiruvallur District.

.. Respondent

Criminal Original Petition has been filed under Section 482 of Cr.P.C., to quash the proceedings in S.T.C.No.301 of 2024 on the file of the Judicial Magistrate Court at Tiruttani.



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For Petitioner :Mr.R.Ravichandran

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ORDER

This petition is filed to quash the criminal complaint registered for the offence under Section 138 of the Negotiable Instruments Act, 1881, which was taken cognizance by the Judicial Magistrate, Tiruttani in S.T.C.No.301 of 2024.

2. The learned counsel appearing for the petitioner submitted that the cheque was not issued for any legally enforceable debt. The signed blank cheque given as security has been misused by the complainant. He also referred the statement of the account between the petitioner and the complainant and submitted that there was no debt on the date of issuance of cheque.

3. This Court is of the view that these are all the factual issue which are to be tested during the trial. Under Section 482 of Cr.P.C., the Court cannot conduct mini trial examining the documents. Accordingly,



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this Criminal Original Petition is dismissed with liberty to the petitioner to raise all these points before the trial Court. Consequently, connected Miscellaneous Petition is closed.

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Index:yes/no  
Speaking order/non speaking order  
Neutral Citation:yes/no

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To:

The Judicial Magistrate Court at Tiruttani.



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DR.G.JAYACHANDRAN,J.

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