



WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.02.2024

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CRL.OP No. 21827 of 2022 &
CrI.MP. No. 14117 and 14120 of 2022

1 R.SELVARASU

2 SRI PALANIMURUGAM ROADWAYS
REP BY ITS MANAGING PARTNER R.SELVARASU NO.
345/A S.P.PUDUR PARAMATHI ROAD NAMAKKAL
TALUK AND DISTRICT

...Petitioner

Vs.

1 S.ARUMUGAM

...Respondent

PRAYER : This petition has been filed under Section 482 of Cr.P.C, to Call for the records and Quash the Proceedings pending against the petitioner in CC.642/2020 on the file of the Judicial Magistrate No.1 Namakkal.

For Petitioner : Mr.K.Balasubramanian

For Respondent: Mr.B.Mohan

ORDER

The petitioner herein filed this petition to Call for the records and
Quash the Proceedings pending against the petitioner in CC. No. 642/2020



on the file of the Judicial Magistrate No.1 Namakkal

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2. The case of the defacto complainant is that the first petitioner and the respondent are friends and on 19.10.2020 the first petitioner borrowed a sum of Rs.4,00,000/- as hand loan for his family needs at respondent/complainant house in the presence of one V.Rathina Kumar, and agreed to repay the said amount within one month. Upon sincere efforts of the respondent, the first petitioner has issued a cheque of the second respondent bearing 013352 dated 09.01.2021 for a sum of Rs.4,00,000/- drawn on bank of Maharastra, Namakkal Branch. The respondent presented the chare on 12.01.2021 and th same was returned as payment stopped by drawer with the return memo dated 16.01.2021, thereafter the complainant contacted the petitioner and on his instruction again presented the cheque for realization on 16.02.2021 and the same was returned with instructions payment stopped by drawer by a return memo dated 18.02.2021, statutory notice was issued on to the petitioners on 24.04.2021 and the same was replied by the petitioners denying the issunace of the cheque. Hence, the complaint.

3. Heard both sides.

4. On seeing the facts of the case, it reveals that On 31.12.2019 one



Subramani has lodged a complaint before District Crime Branch, Namakkal in C.No.H2/4071/SP-DGP/2019 and C.No.320/H2/DCB/NKL/2019 as against one 1. Nalluswamy, 2.N.Karthikeyan and 3.R.Ramesh. The said Nalluswamy is the father-in-law of the 1st Petitioner, the said Nalluswamy and others has taken a loan of Rs.12 lakhs from one Subramani for purchase for three LPG Tank Lorry. Thereafter, on 09.01.2020, office of the District Crime Branch, Namakkal enquired the 1 Petitioner where he has issued three cheque bearing Nos. 013350, 013351 and 013352 all cheques drawn on Bank Of Maharashtra, Namakkal Branch to the said Subramani as security, on condition that on every re-payment of instalment by the said Nalluswamy & Others each cheque will be returned. After receiving the aforesaid three cheque the said Subramani has withdrawn the complaint lodged against the said persons to that effect the petitioner relied the Closure report dated 09.01.2020 obtained through RTI application in Na.Ka.No.G4/166/5028/2021 RTI No.161/2021 dated 20.04.2021. But Even after repaying the said amount the complaint lodged a complaint against the petitioner as such is abuse of process of law. Hence, the proceedings pending against the petitioner in CC. No. 642 of 2020 on the file of the Judicial Magistrate No.1, Namakkal is quashed.



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5. In the result, this petition is allowed. No Costs. Consequentially,
connected miscellaneous petition is closed.

21.02.2024

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To

1. The Public Prosecutor,
High Court, Madras.
2. The Judicial Magistrate No.1, Namakkal

T.V.THAMILSELVI, J.

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