



Crl.O.P.No.19250 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.11.2024

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.O.P.No.19250 of 2024

and

Crl.M.P.Nos.11323 and 11324 of 2024

Nirmala Samuel

... Petitioner

Vs.

G.S.Venkatesamoorthy

... Respondent

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to quash the complaint in S.T.C.No.269 of 2021 on the file of the Judicial Magistrate No.I, Gobichettipalayam.

For Petitioner : Mr.Aravind Subramaniam
Senior Counsel for
Ms.M.E.Kannamai

For Respondent : No appearance

ORDER

This Criminal Original Petition is filed to quash the complaint in S.T.C.No.269 of 2021 on the file of the Judicial Magistrate No.I, Gobichettipalayam.

2. Heard the learned Senior Counsel appearing for the petitioner.



CrI.O.P.No.19250 of 2024

There is no representation for the respondent.

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3. The respondent/complainant filed the complaint against the petitioner/accused for the offence under Section 138 of Negotiable Instruments Act before the learned Judicial Magistrate No.I, Gobichettipalayam and the same was taken on file in S.T.C.No.269 of 2021. After four years of filing of S.T.C.No.269 of 2021, the petitioner has now come up with the present petition to quash the said S.T.C. proceedings.

4. On a reading of the complaint, it is seen that the respondent/complainant has clearly made allegations against the petitioner/accused regarding issuance of cheque. Therefore, it is for the petitioner to take his defence before the learned Magistrate concerned as to whether he has issued cheque or cheque is legally enforceable debt or he is liable to pay or not.

5. Under the above circumstances, this Criminal Original Petition is dismissed. However, the petitioner is at liberty to take his defence before the learned Magistrate concerned, and co-operate for early



CrI.O.P.No.19250 of 2024

disposal of the case. The learned Judicial Magistrate No.I,
Gobichettipalayam is directed to dispose of S.T.C.No.269 of 2021 on
merits and in accordance with law, within a period of three months from
the date of receipt of a copy of this order. Consequently, connected
miscellaneous petitions are closed.

05.11.2024

Index : Yes/No
Neutral Citation Case : Yes/No
Speaking Order : Yes/No
ms

To

The Judicial Magistrate No.I,
Gobichettipalayam.



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Crl.O.P.No.19250 of 2024

P.VELMURUGAN, J

ms

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