



CrI.O.P.No.28790 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.12.2024

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

CrI.O.P.No.28790 of 2024

and

CrI.M.P.No.16056 of 2024

Bharath R.Sha

... Petitioner

Vs.

M/s.Hindustan Cotton Spinning Mills,
Represented by its,
Authorised Officer,
Mr.Bala Murugesan.

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C./528 BNSS, 2023 to call for the records in STC No.129/2024 on the file of the learned Fast Track Judicial Magistrate-II, Coimbatore.

For Petitioner : Mr.T.R.Sundaram

For Respondent : Mr.S.V.Pravin Rathinam

ORDER

This Criminal Original Petition is filed to quash the private complaint in STC No.129/2024 on the file of the learned Fast Track Judicial Magistrate-II, Coimbatore.



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2. According to the petitioner, the respondent/complainant filed a private complaint under Section 200 Cr.P.C., on the file of the Fast Track Judicial Magistrate No.II, Coimbatore in S.T.C.No.129 of 2024 alleging that an offence is said to have been committed by the petitioner herein under Section 138 of Negotiable Instruments Act. The main grievance of the petitioner is that he is only a commission agent and he has executed the cheque under the threat and coercion of the police officials and the same does not constitute legally enforceable debt.

3. It is seen from the records that the petitioner has admitted his signature, however, his main grievance is that the said cheque was executed under the coercion and threat of the Police. Once the signature is admitted, whether the cheque was executed under the coercion or not cannot be decided at this stage and it is a matter for trial. Therefore, this Court is not inclined to entertain this petition by invoking Section 528 BNSS, 2023. Hence, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed. However, the



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petitioner is at liberty to take all his defences before the trial in

S.T.C.No.129 of 2024.

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Index: Yes/No

Speaking Order : Yes/No

Neutral Citation Case : Yes/No

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To

The Fast Track Judicial Magistrate-II,
Coimbatore.



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P.VELMURUGAN, J

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