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CrI.O.P.No.27934 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2024

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

CrI.O.P.No.27934 of 2024 and
CrI.M.P.Nos.15501 & 15502 of 2024

Atulsha,
S/o.Mr.Ramaniklal Shah,
Proprietor, Sree Vijayalakshmi Spinners,
52-A, P.M.Samy Colony,
1st Street, R.S.Puram,
Coimbatore- 02.

... Petitioner

Vs.

The Southern Textiles Limited,
Represented by its Finance Controller,
Mr.S.Subramaniam aged 56 years,
S/o.Mr.Sivananthan,
1/19, Abdul Rahim Road,
Race Course,
Coimbatore-18.

... Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to call for the records and quash the
proceedings pending in C.C.No.32/2022 on the file of the Judicial
Magistrate Fast Track Court No.I, Magisterial Level Coimbatore for an
offence under Section 138 of the Negotiable Instruments Act, 1881.



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For Petitioner : Mr.Arunkumar for Mr.S.Gopinath

ORDER

This Criminal Original Petition has been filed to quash the proceedings in C.C.No.32 of 2022 pending on the file of the Judicial Magistrate, Fast Track Court No.I, Magisterial Level.

2.The learned counsel for the petitioner would submit that the statutory notice is defective in as much as the cheque number was not mentioned in the said notice; and that the complainant has not established that the cheque was issued for legally enforceable debt.

3.Admittedly, the proceedings before the Trial Court has commenced. This Court is of the view that the points raised by the petitioner can be raised before the Trial Court. It is needless to say that the Trial Court shall consider the same on its own merits.



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4. With the above observations, this Criminal Original Petition is dismissed. Consequently, connected criminal miscellaneous petitions are closed.

08.11.2024

Index: Yes/No

Neutral Citation: Yes/No

Speaking Order/Non Speaking Order

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To

The Judicial Magistrate,
Fast Track Court No.I,
Magisterial Level, Coimbatore.



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SUNDER MOHAN, J.

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