



Crl.O.P(MD).No.16624 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.04.2024

CORAM :

THE HON'BLE MR JUSTICE A.A.NAKKIRAN

Crl.O.P(MD).No.16624 of 2022 and
Crl.M.P(MD).No.11086 of 2022

Prabakaran

... Petitioner

Vs.

Jaculet Baby Shyla

... Respondent

PRAYER:- Criminal Original Petition filed under Section 482 Cr.P.C., to call for records in STC.No.697 of 2021 pending before the learned Judicial Magistrate, Padmanabhapuram, Kanniyakumari District and quash the proceedings against the petitioner.

For Petitioner : Mr. B. Mahendrarajan

For respondent : Mr. K.P.Narayanakumar

ORDER

This Criminal Original Petition has been filed to call for the records in STC.No.697 of 2021 pending before the learned Judicial



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Magistrate, Padmanabhapuram, Kanniyakumari District and quash the same as against the petitioner.

2. The case of the petitioner is that he has borrowed a sum of Rs.2,00,000/- from the complainant at the rate of 3% per month, for which, the petitioner has issued a cheque as security for the cheque amount. Thereafter, that there was a wordy quarrel arose between the petitioner and the defacto complainant and subsequently, the petitioner has settled the entire amount. Due to the said motive, the complainant has sent a legal notice on 15.04.2021 by filling his blank cheque with an amount of Rs.2,00,000/- as if the petitioner has borrowed a sum of Rs.2,00,000/- from him on 20.03.2019 agreeing to repay the same within two years and demanding the same within ten days of receipt of said notice. In reply, the petitioner has made a phone call and told that the entire amount has already been paid to him. But, the complainant has given a complaint in STC.No.697 of 2021 before the Judicial Magistrate, Padmanabhapuram. Hence, the petitioner has filed the present petition to quash the proceedings in STC.No.697 of 2021 pending before the learned Judicial Magistrate, Padmanabhapuram, Kanniyakumari District.

3. The learned counsel appearing for the petitioner submitted



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that the complainant has presented the cheque on 30.03.2021 and the same was returned with an endorsement as “funds insufficient” by the Union Bank, Thuckalay Branch, on 31.03.2021. Thereafter, the complainant has sent a legal notice to the petitioner on 15.04.2021 demanding the cheque amount within 10 days instead of 30 days and hence, it is barred by limitation and hence, prays for allowing this petition.

4. The learned counsel appearing for the respondent submitted that the respondent has already filed a petition before the trial Court for condoning the said delay and the same was allowed and hence, prayed for dismissal of this petition.

5. Considering the said submission made by the learned counsel for the respondent, this Criminal Original Petition is dismissed. However, the petitioner is given liberty to challenge the above said proceedings. Consequently, the connected Miscellaneous Petition is closed.

30.04.2024

Internet : Yes / No

Index : Yes / No



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Speaking / Non Speaking order
trp

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To

1. The learned Judicial Magistrate, Padmanabhapuram, Kanniyakumari District

2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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A.A.NAKKIRAN, J.

Trp

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