



Crl.O.P(MD).No.5797 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.06.2024

CORAM :

THE HON'BLE MR JUSTICE A.A.NAKKIRAN

Crl.O.P(MD).No.5797 of 2021 and
Crl.M.P(MD).No.3348 of 2021

Yuvaraj

... Petitioner

Vs.

H.Abdul Hameed

... Respondent

PRAYER:- Petition filed under Section 482 Cr.P.C., to call for the entire records in STC.No.119 of 2020 on the file of the learned Judicial Magistrate No.I (Fast Track Court at Magistrate Level), Madurai and quash the same.

For Petitioner : Mr.P. Ganapathisubramanian
For Respondent : M/s. Yasmin Begum
for M/s. Ajmal Associates

ORDER

This criminal original petition has been filed to call for the entire records in STC.No.119 of 2020 on the file of the learned Judicial Magistrate No.I (Fast Track Court at Magistrate Level), Madurai and



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quash the same.

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2.The case of the prosecution is that the complainant is the manufacturer of “Air Freshener” and he is doing business in the name of “Taj Air Marketing”. The petitioner herein has purchased the said products from the complainant for the last three years and paid the amount on installment. When the respondent asked the petitioner for the balance amount of Rs.4,00,000/-, the petitioner herein has issued a cheque for a sum of Rs.4,00,000/-, and the same was returned as “in-sufficient funds” by the Karur Vysa Bank, Tallakulam Branch, Madurai on 22.08.2021. Based on the complaint given by the respondent, case has been taken on file in STC.No.119 of 2020 on the file of the learned Judicial Magistrate No.I (Fast Track Court at Magistrate Level), Madurai for the offence under Sections 138 and 142 of Negotiable Instruments Act, 1881 against the petitioner. Challenging the same, the present petition has been filed.

3.The learned counsel appearing for the petitioner submitted that the petitioner has never issued a cheque to the respondent / complainant and also the cheque filed by the respondent was not at all signed by the



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petitioner. He further submitted that since the complaint reveals that the dispute is of commercial in nature, the respondent ought to have taken steps as per the Commercial Courts Act, 2015 and he prayed to allow this petition.

4. The learned counsel appearing for the respondent submitted that the petitioner herein has purchased the products from the defacto complainant and subsequently, he failed to repay the balance amount and also the cheque issued by the defacto complainant was returned with an endorsement as “in sufficient funds” and hence, he prayed to dismiss the present petition.

5. Heard the learned counsel appearing on either side and perused the materials available on record.

6. Time and again, this Court as well as the Supreme Court has cautioned the courts about the necessary precautions to be taken while quashing the charge sheet at the initial stage. Useful reference in this regard can be had to the decision of the Hon’ble Apex Court in ***State of Haryana – Vs - Bhajan Lal (1992 SCC (Crl.) 426)***.



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7. In the above circumstances, the trial court has rightly taken the case on file and this Court is of the considered view that no prejudice would be caused to the petitioner if he is subjected to due trial as sufficient opportunity would be given to the petitioner to put forth his defence. The petitioner cannot be let by quashing the charge framed against him as that would completely undermine the alleged acts, which is the subject matter of criminal trial pending against him.

8. For the reasons aforesaid, this Court finds no ground or scope to quash STC.No.119 of 2020 on the file of the learned Judicial Magistrate No.I (Fast Track Court at Magistrate Level), Madurai. Accordingly, this petition, being devoid of merits, is dismissed. Consequently, connected miscellaneous petition is closed.

18.06.2024

Internet : Yes / No
Index : Yes / No
Speaking / Non Speaking order
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The learned Judicial Magistrate No.I (Fast Track Court at Magistrate Level), Madurai



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A.A.NAKKIRAN, J.

Trp

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