



Crl.O.P.(MD)No.20748 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.04.2024

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

Crl.O.P.(MD) No.20748 of 2022
and
Crl.MP(MD)Nos.14448 & 14449 of 2022

K.Lakshmanakumar

... Petitioner / Accused

Vs.

P.Sundararajan

... Respondent / Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to the proceedings in S.T.C.No. 297 of 2022 on the file of the learned Judicial Magistrate No.I, Pudukkottai and quash the same.

For petitioner

: Mr.K.Pandiarajan

For Respondent

: Mr.B.Rooban

ORDER

This petition has been filed to quash the proceedings in S.T.C.No. 297 of 2022 on the file of the learned Judicial Magistrate No.I, Pudukkottai.



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2. As per the case of the prosecution, the petitioner borrowed a sum of Rs.4 lakhs from the respondent for his family expenses. To discharge the said debt, he issued a cheque bearing No.752597, dated 05.11.2022. When the same was presented for collection, it was 'dishonoured'. Hence, a complaint has been registered by the respondent on 22.04.2022 for the offence punishable under Section 138 of Negotiable Instruments Act, against the petitioner and the same was taken on file in S.T.C.No.297 of 2022 by the learned Judicial Magistrate No.I, Pudukkottai. Now, it is in preliminary stage.

3. The learned counsel for the petitioner would submit that the petitioner had repaid the entire loan amount borrowed from the respondent. However, the respondent has failed to return the three signed blank cheques and the three signed blank promissory notes, which were given at the time of borrowing. Hence, the proceedings initiated under Section 138 of the Negotiable Instruments Act against the petitioner is liable to be quashed.

4. The learned counsel for the respondent would submit that this factual aspect, can be decided only during the course of trial. Since it is in preliminary stage, the question of quashment does not arise. It is a



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specific case of the respondent that only the petitioner issued the disputed cheque for the above said amount and that was dishonoured.

5. Whether the respondent kept the blank cheques and promissory notes, which were given by the petitioner at the time of borrowing, even after he repaid the entire loan amount or not is a matter for trial. The prayer sought for under Section 482 Cr.P.C is very limited and the factual aspects cannot be gone into this petition. So, the petitioner has to face the trial proceedings, before the Trial Court, as per law and he is at liberty to make all sort of defences legally.

6. This Court finds no merit in this petition. Accordingly, the Criminal Original Petition stands dismissed. Consequently, the connected miscellaneous petitions are closed.

16.04.2024

NCC : Yes/No
Index : Yes/No
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A.A.NAKKIRAN, J.

dss

To

The Judicial Magistrate No.I,
Pudukkottai.

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and
Crl.MP(MD)Nos.14448 & 14449 of 2022

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