



Crl.M.P.(MD)No.12607 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Friday, the Twenty Second day of November Two Thousand and Twenty Four
PRESENT

The HONOURABLE MR. JUSTICE M.NIRMAL KUMAR
Crl.M.P.(MD)No.12607 of 2024
in
Crl.O.P.(MD)No.20386 of 2024

RAMKUMAR

... Petitioner / Accused

Vs

K.NARAYANASAMY

... Respondent / Complainant

Criminal Miscellaneous Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to grant an Ad-Interim Stay of all further proceedings in STC No.85/2024 on the file of the learned Fast Track Court (Magistrate Level), Kovilpatti, pending disposal of above Crl OP.

Prayer in CRL OP(MD). 20386/ 2024 :

To call for the records relating to the STC No.85/2024 on the file of The Learned Fast Track Court (Magistrate Level), Kovilpatti and Quash the same as illegal, in so far as this petitioner concerned and thus render justice.

Order : This Criminal Miscellaneous petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/s.M..PRABU, Advocate for the petitioner, while admitting the Court made the following order:-

The petitioner, who is the accused in S.T.C.No.85 of 2024, a private complaint filed by the respondent (complainant) under Section 138 of the Negotiable Instruments Act, 1881, has filed the present quash application.

2. The petitioner contends that the cheque amount in this case is

<https://www.mhc.m.gov.in/judis> Rs.61,668/- which was specified in the statutory notice issued for the dishonour of



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the cheque. However, strangely, the complaint has been filed for an amount of Rs.1,23,335/-, which includes double the cheque amount and an additional Rs.5,000/- in expenses, totalling Rs.1,28,335/-.

3. The Hon'ble Supreme Court, in the case of Upasana Mishra vs. Trek Technology India Pvt. Ltd. (2024 (1) MWN (Cr.) DCC 1 SC), held that an omnibus demand exceeding the cheque amount is not sustainable. Further, referring to its judgment in Suman Sethi vs. Ajay K. Churiwal (2002 (2) SCC 380), the Hon'ble Supreme Court reaffirmed that such prosecution is improper.

4. Finding merit in the above said submissions, there shall be an order of interim stay of all further proceedings in S.T.C.No.85 of 2024, on the file of the Fast Track Court (Magisterial Level), Kovilpatti.

5. Notice to the respondent returnable by 13.12.2024. Private notice is also permitted.

sd/-
22/11/2024

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/ 12 / 2024
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO
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THE FAST TRACK COURT (MAGISTERIAL LEVEL),
KOVILPATTI.

ORDER
IN
Crl.M.P.(MD)No.12607 of 2024
in
Crl.O.P.(MD)No.20386 of 2024
Date :22/11/2024

PSP/ GSV /SAR /04.12.2024/ 3P/ 2C

Madurai Bench of Madras High Court is issuing certified
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