



Crl.O.P.Nos.7423 & 2596 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Dated: 01.09.2025

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

Crl.O.P.Nos.7423 & 2596 of 2023
and Crl.M.P.Nos.4708, 1460 & 1462 of 2023

Nalini ... Petitioner in Crl.O.P.No.7423 of 2023
K.Kamaraj ... Petitioner in Crl.O.P.No.2596 of 2023
Versus

M/s.Dharan Homes
Rep by its Sole Proprietor Mr.G.Dharanidharan
... Respondent in both petitions

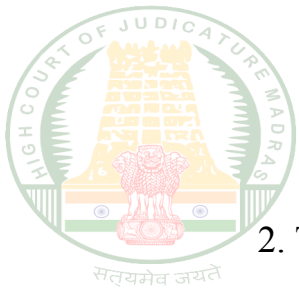
Common Prayer: Criminal Original Petitions filed under Section 482 of Code of Criminal Procedure, to call for the records and quash the complaints in C.C.Nos.19 and 18 of 2019 respectively on the file of the learned Judicial Magistrate (FTC) Alandur.

In both petitions

For Petitioners : Mr.M.Tamizhavel
For Respondent : Mr.J.Mohanmurali

COMMON ORDER

This petition has been filed to call for the records and quash the complaints in C.C.Nos.19 and 18 of 2019 respectively on the file of the learned Judicial Magistrate (FTC) Alandur.



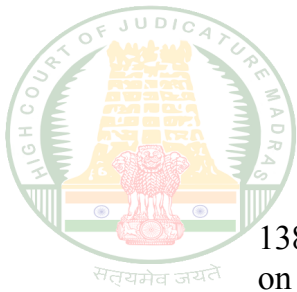
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2. The complaints initiated under Section 138 of Negotiable Instruments Act are sought to be quashed by invoking Section 482 of CrPC, on the ground that complaints have been falsely foisted against them during the enquiry in police station, the present petitions have been filed.

3. Heard both sides and perused the materials placed on record.

4. At the outset, this Court is of the view that in the complaints there are disputed facts and those facts can be gone into only during the criminal trial and this Court cannot make a roving enquiry while exercising its jurisdiction under Section 482 of Cr.P.C . It is left open to the petitioner to raise all his defence before the trial Court and the Court below shall consider the same on its own merits and in accordance with law. In this regard, it is relevant to note that the Hon'ble Supreme Court in the case of Rajeshbhai Muljibhai Patel vs. State of Gujarath reported in AIR 2020 SC 818 has held as follows:-

"22. When disputed questions of facts are involved which need to be adjudicated after the parties adduce evidence, the complaint under Section 138 of the NI Act ought not to have been quashed by the High Court by taking recourse to Section 148 CrPC. Though, the Court has the power to quash the criminal complaint filed under Section 138 of the NI Act on the legal issues like limitation, etc. criminal complaint filed under Section



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138 of the NI Act against Yogeshbhai ought not to have been quashed merely on the ground that there are inter se disputes between Appellant 3 and Respondent 2. Without keeping in view the statutory presumption raised under Section 139 of the NI Act, the High Court, in our view, committed a serious error in quashing the criminal complaint in CC No. 367 of 2016 filed under Section 138 of the NI Act."

Emphasis supplied

5. In view of the above, these petitions stand dismissed. Consequently, connected miscellaneous petitions are closed.

01.09.2025

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Index : Yes

Internet : Yes

To

1. The Judicial Magistrate (FTC) Alandur.



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N.SATHISH KUMAR, J.

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