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CrI.O.P.No.9507 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.04.2025

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P.No.9507 of 2025

and

CrI.M.P.No.6280 of 2025

1. C.S.Suresh Arumugam
2. J.Balachandran

... Petitioners

Vs

P.Jayaraja

... Respondent

Criminal Original Petition is filed under Section 482 of Cr.P.C./Section 528 of B.N.S.S., to call for the records of S.T.C.No.320 of 2021 on the file of the learned Judicial Magistrate (Fast Track) at Tiruchengode, quash the same.

For Petitioners : M/s.Abinaya Raj

ORDER

This petition has been filed to quash the proceedings in S.T.C.No.320 of 2021 on the file of the learned Judicial Magistrate (Fast Track) at Tiruchengode.



Crl.O.P.No.9507 of 2025

WEB COPY

2. Heard the learned counsel for the petitioners and perused the materials available on record.

3. The respondent is the complainant and filed a complaint against the accused in S.T.C.No.320 of 2021 for the offences under Sections 138 and 142 of the Negotiable Instruments Act (hereinafter referred to as 'the Act' for short), alleging that the petitioners borrowed a loan from the respondent to the tune of Rs.15,00,000/-. Towards repayment of the said loan, they issued a cheque, and the same was presented for collection. However, it was returned dishonoured on the ground that the account was closed. After causing statutory notice, the respondent filed a complaint.

4. The learned counsel for the petitioners would submit that the petitioners are arrayed as A3 and A4, and they are the Directors of the first accused's Company. There is no legally enforceable debt, and the cheque was issued for security purpose, and it was not issued for any legally enforceable debt. This Court feels that these grounds can be considered only before the Trial Court during the trial.



Crl.O.P.No.9507 of 2025

WEB COPY

5. That apart, on a perusal of the complaint, it is revealed that there are specific averments against all the accused persons for the offences under Sections 138 and 142 of the Act. In fact, after receipt of the statutory notice, the accused failed to send any reply notice within fifteen days time from the date of receipt of that notice. Though A1 and A3 had issued a reply notice, nothing is whispered about the grounds taken by the petitioners before this Court.

6. In view of the above, this Court finds no grounds to quash the entire proceedings in S.T.C.No.320 of 2021 on the file of the learned Judicial Magistrate (Fast Track) at Tiruchengode. Accordingly, this Criminal Original Petition is dismissed. However, the Trial Court is directed to complete the trial within a period of six months from the date of receipt of a copy of this order.

01.04.2025

Index:Yes/No
Neutral Citation/Yes/No
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To

3/5



Crl.O.P.No.9507 of 2025

1. The Judicial Magistrate (Fast Track) at Tiruchengode.
WEB COPY

2. The Public Prosecutor,
High Court, Madras.



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Crl.O.P.No.9507 of 2025

G.K.ILANTHIRAIYAN, J.

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Crl.O.P.No.9507 of 2025

01.04.2025