



Crl.OP.No.16750 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.09.2025

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Crl.O.P. No.16750 of 2025 and

Crl.M.P.No.10445 of 2025

K.Barathram

... Petitioner

Vs.

P.Peres Fraklin

... Respondent

PRAYER: Criminal Original Petition filed under Section 528 of Criminal Procedure Code, to call for the records of the STC No.1401 of 2025 pending on the file of the II Fast Track Metropolitan Magistrate at Allikulam and quash the same.

For Petitioners : Mr.S.M.Nandhie Devhan

For Respondents : Ms.J.Jothi

ORDER

This Criminal Original Petition has been filed to call for the records of the STC No.1401 of 2025 pending on the file of the II Fast Track Metropolitan Magistrate at Allikulam and quash the same.

2. A private complaint has been filed by the respondent / complainant



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against the petitioner under Section 138 and 142 of the Negotiable Instruments Act stating that the accused had promised the defacto complainant to pay a sum of Rs.10,00,000/- towards cost of furniture and vacating the premises and the accused had paid a sum of Rs.5,00,000/- by way of bank transaction and remaining amount of Rs.5,00,000/- by way of cheque bearing No.000005 drawn on City Union Bank, Ashok Nagar Branch, Chennai. However, the cheque has been dishonoured. Hence, he preferred the private complaint before the Fast track II, Metropolitan Magistrate, at Allikulam, Chennai.

3. According to the petitioner, the defacto complainant having already received a sum of Rs.5,00,000/- as he demanded to vacate the building that was being auctioned by the bank, now dishonestly attempting to fabricate a claim that the total sum is Rs.10,00,000/-.

4. As the dispute is with regard to the nature of the amount, the facts require evidence. This Court under Section 482 of C.R.Pc or under Section 528 of BNSS, cannot rely upon the evidence. All the issues have to be decided in the light of the evidence adduced respectively and has to be proved as per law. Hence, this Criminal Original petition stands dismissed.



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Consequently, connected miscellaneous petition is closed.

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Index : Yes / No

Speaking Order / Non speaking order

To,

The II Fast Track Metropolitan Magistrate at Allikulam.



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N. SATHISH KUMAR, J.

vum

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