



Crl.O.P.No.18409 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 12.08.2025

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

Crl.O.P.No.18409 of 2025
and Crl.M.P.No.12204 of 2025

K.Madasamy @ K.Madasamy Pandian

... Petitioner

Versus

K.Chandran

... Respondent

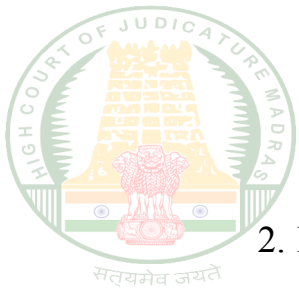
PRAYER: Criminal Original Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, to call for the records and quash the proceedings in C.C.No.9137 of 2018 on the file of the learned XIX Metropolitan Magistrate Court, Fast Track Court-I at Allikulam, Egmore, Chennai.

For Petitioner : Mr.P.Jesus Moris Ravi

For Respondent : Mr.K.Kannan

ORDER

This petition has been filed to quash the proceedings in C.C.No.9137 of 2018 on the file of the learned XIX Metropolitan Magistrate Court, Fast Track Court-I at Allikulam, Egmore, Chennai.

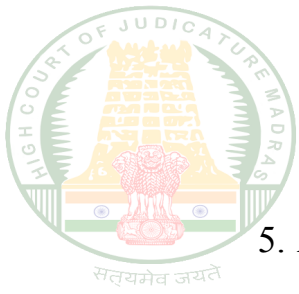


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2. It is the contention of the petitioner/accused that before filing the present ~~cheque~~ complaint, a complaint was already lodged by the respondent for the alleged offence of criminal breach of trust and cheating resulted in filing of FIR in FIR.No.172/2015 which culminated into a final report. The said final report was taken cognizance of offences punishable under Sections 34, 406, 420 & 506(1) of IPC in C.C.No.229 of 2021 on the file of the learned Judicial Magistrate – I at Poonamallee. Therefore, according to him, since, the prosecution has already filed charge-sheet for the offences under Sections 34, 406, 420 & 506(1) of IPC as against the petitioner, the present complaint is not maintainable. Hence, seeks for quashment of charge-sheet in C.C.No.9137 of 2018 on the file of the learned XIX Metropolitan Magistrate Court, Fast Track Court-I at Allikulam, Egmore, Chennai.

3. The learned counsel for the respondent submitted that now the matter is posted for accused side arguments and the matter is adjourned to 20.08.2025.

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



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5. At the outset, this Court is of the view that merely because a prosecution has already been launched under general law, it cannot be said that the complaint under Section 138 of Negotiable Instruments Act, 1881 is not maintainable. Negotiable Instruments Act, 1881 is a Special Act arising under the Special Statute and therefore, the contention of the petitioner that the cheque complaint is not maintainable has no legs to stand.

6. Accordingly, this revision stands dismissed. Consequently, connected miscellaneous petition stands closed.

12.08.2025

dhk

Index : Yes

Internet : Yes

To

1.The XIX Metropolitan Magistrate Court, Fast Track Court-I at Allikulam, Egmore, Chennai

2.The Public Prosecutor,
High Court of Madras.



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N. SATHISH KUMAR, J.

dhk

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