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CRL OP No. 19310 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 12-08-2025**

CORAM

**THE HONOURABLE MR JUSTICE N. SATHISH KUMAR**

**CRL OP No. 19310 of 2025**

**AND**

**CRL MP NO. 13269 OF 2025, CRL MP NO. 13270 OF 2025**

Succor Mary Darling Rose

Petitioner(s)

Vs

1. M/s.Garabandal Construction Pvt Ltd  
Rep by its Managing Director  
Mr.L.Walter Paul, No.L-6, MIG Block,  
Fore Shore Estate, Chennai - 600028.

Respondent(s)

**PRAYER**

Criminal Original Petition filed under Section 528 BNSS to call for the records pertaining to the complaint in C.C.No.1610 of 2012 on the file of the XXVII Metropolitan Magistrate Court, Saidapet, and quash the complaint in so far as petitioner/Accused No.3 is concerned.



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For Petitioner(s): Mr.Charles Kamalesh M. Appaji

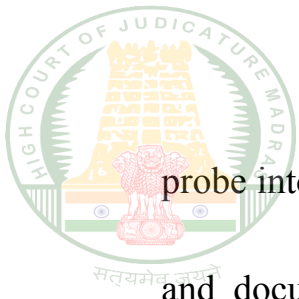
For Respondent(s): Mr.S.Doraiswamy

### **ORDER**

This Criminal Original Petition has been filed to quash the private complaint filed by the respondent in C.C.No.1610 of 2012 on the file of the XXVII Metropolitan Magistrate Court, Saidapet, for the offence under Section 138 of the Negotiable Instruments Act, in so far as petitioner/Accused No.3 is concerned.

2.Learned counsel for the respondent/complainant would submit that all the witnesses have been examined in C.C.No.1610 of 2012 and the matter is now posted for arguments before the trial Court.

3.When all the witnesses have been examined and substantive evidence is already on record before the trial Court, this Court, in a petition under Section 482 Cr.P.C. cannot go into the complaint at this stage. It is for the trial Court to



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probe into the validity of the statements in the complaint on the basis of the oral and documentary evidence on record. This Court cannot conduct a roving enquiry or a mini-trial in a petition under Section 482 Cr.P.C., as held by the Hon'ble Supreme Court in ***Gunmala Sales Private Limited v. Anu Mehta and others*** reported in ***(2015) 1 SCC 103***, to find out the correctness of the statements, particularly, when substantive evidence is already on record before the trial Court. Therefore, this is not a fit case for quashing the criminal proceedings at this stage. It is open to the petitioner to raise all his defence before the trial Court.

4. Accordingly, this Criminal Original Petition is dismissed.

Consequently, connected miscellaneous petitions are closed.

**12-08-2025**

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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The XXVII Metropolitan Magistrate,  
Saidapet, Chennai.



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**N.SATHISH KUMAR J.**

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