



WEB COPY



Crl.O.P.No.24165 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.09.2025

CORAM:

THE HON'BLE MR.JUSTICE N. SATHISH KUMAR

Crl.O.P.No.24165 of 2025
and Crl.M.P.No.16505 of 2025

Ragavendra Ganesh

... Petitioner

Vs.

S.Muthusamy

... Respondent

PRAYER : Criminal Original Petition is filed under Section 528 of BNSS, to call for the records pertaining to the complaint in STC No.1228 of 2024 on the file of the learned Judicial Magistrate (Fast Track), Tiruppur and quash the said complaint.

For Petitioner : Mr.J.Franklin

ORDER

The Criminal Original Petition has been filed seeking to quash the proceedings in S.T.C.No.1228 of 2024 pending against the petitioner for the offence under Section 138 of the Negotiable Instruments Act, on the file of the learned Judicial Magistrate (Fast Track), Tiruppur.



Crl.O.P.No.24165 of 2025

WEB COPY 2. The main contention of the learned counsel appearing for the petitioner is that the respondent had lodged a complaint against the petitioner/accused before the Judicial Magistrate (Fast Track), Tiruppur, for the offence under Section 138 of Negotiable Instruments Act, in S.T.C.No.1228 of 2024, alleging dishonour of a cheque. It is further submitted that the reply notice clearly shows that the cheque was not issued in discharge of any legally enforceable debt and therefore, the complaint is not maintainable. Hence, he prayed to quash the said complaint.

3. On perusal of the materials available on record, this Court is of the view that the proceedings cannot be quashed merely on the ground raised by the petitioner, as the issue involved is a matter for trial, requiring appreciation of evidence. It is for the petitioner/accused to rebut the legal presumption before the trial Court. Therefore, this Court does not find any valid ground to quash the proceedings in S.T.C.No.1228 of 2024, on the file of the learned Judicial Magistrate (Fast Track), Tiruppur.



Crl.O.P.No.24165 of 2025

WEB COPY 4. Accordingly, this Criminal Original Petition stands dismissed.

Consequently, the connected miscellaneous petition is closed.

03.09.2025

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Neutral Citation: Yes/No

To

The Judicial Magistrate (Fast Track), Tiruppur.



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Crl.O.P.No.24165 of 2025

N. SATHISH KUMAR, J.

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