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CRL OP No. 22447 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-09-2025

CORAM

THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

CRL OP No. 22447 of 2025 &

CrI.M.P.Nos.15346 & 15347 of 2025

1. Vijay

s/o. Parasuraman, D.No.1/180, South
Street, Kuttiyandiur Village,
Tharangambadi Taluk, Mayiladuthurai
District.

Petitioner(s)

Vs

1. Suresh

S/o. Chinniah Sundaram, D.No.21/31,
Armanai Street, Erukkatancheri Village,
Tharangambadi Taluk, Mayiladuthurai
District.

Respondent(s)

PRAYER : Criminal Original Petition filed under section 528 of BNSS to call for the records relating to the Impugned Complaint in CC.No.41/2025 on the file of the District Munsiff Cum Judicial magistrate Court, Tharangambadi and quash the same.



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CRL OP No. 22447 of 201



For Petitioner(s): K. Govi Ganesan

For respondent : Mr.R.Shivakumar
for M/s.K.M.Vijayan Associates

ORDER

Challenging the complaint filed by the respondent under section 138 of the Negotiable Instruments Act, the present Criminal Original Petition has been filed.

2. The petitioner seeks to quash the proceedings filed under section 138 of the Negotiable Instruments on the ground that there is no legally enforceable debt. According to him, the complaint itself indicate that the cheque has been issued by son of the vendor, who had executed the sale deed in favour of the wife of the petitioner. The said cheque is said to have been issued towards non payment of entire consideration. Therefore, according to him, there is no legally enforceable debt since there is no privity of contract. It is his further contention that the cheque has been issued for some other sale. The petitioner



had also sent a reply to the notice sent by the respondent. Hence, the present petition has been filed to quash the complaint filed by the respondent.

3. At the outset, this Court is of the view that the contention of the petitioner is not a ground to quash the proceedings initiated under section 138 of the Negotiable Instruments Act. Once a cheque has been issued, now it cannot be said there is no legally enforceable debt. Whether it is a legally enforceable debt or not has to be seen only on the basis of the evidence and not at this stage. Hence, I do not find any merit in this petition.

4. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petitions are closed.

08-09-2025

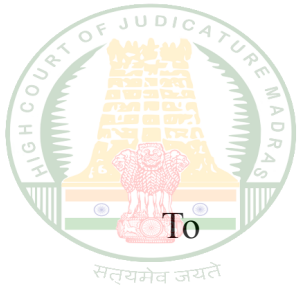
Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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1. The Metropolitan Magistrate,
Special Court of CBCID and CBI,
Egmore, Chennai.



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N.SATHISH KUMAR J.

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