

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-08-2025

CORAM

THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

CRL OP No. 23433 of 2025

1. M.Devaki

W/o.S.Murugan, Prop M/s.Welldone
Service, No.14/11, SNR Flat, Car
Street, Triplicane, Chennai - 600 005.

2. M.Devaki

W/o.S.Murugan, No.37/19,
Chengalvarayan Street, Triplicane,
Chennai - 600 005.

Petitioner(s)

Vs

1. S.Krishna Kumar

S/o.D.Saivenugopal, New No.11, Sami
Chetty Street, Pudupet, Chennai - 600
002.

Respondent(s)

PRAYER : Criminal Original Petition filed under section 528 of BNSS to call for records and quash the complaint in S.T.C.No.7812 of 2024, on the file of the Learned Fast Track Court-V, Metropolitan Magistrate Level, Saidapet, Chennai and pass such further or other orders as this Honble Court.

For Petitioner(s): Mr.Velu Srinivasan
 S.Sivalinga Kesavan

ORDER

This Criminal Original Petition has been filed to quash the complaint in S.T.C.No.7812 of 2024, on the file of the Learned Fast Track Court-V, Metropolitan Magistrate Level, Saidapet, Chennai.

2. The contention of the petitioner is that he was a subscriber in a chit run by the respondent and he had paid substantial amount and balance amount to be paid is only Rs.1,19,000/-. It is his further contention that the cheque issued for security has been misused by the complainant. Hence, seeks to quash the complaint.

3. At the outset, this Court is of the view that this petition itself is an abuse of process of law. When petitioner claims that he had paid the amount and pleads discharge, entire burden lies on him to prove the same. Once the petitioner had admitted issuance of cheque, presumption under section 139 of the Negotiable Instruments Act will be attracted and the entire burden lies on

him to prove that there is no valid consideration passed. All these matters have to be seen only in the trial and not in a petition filed under section 482 Cr.P.C.

Hence, I do not find any merits in this petition.

4. Accordingly, this Criminal Original Petition is dismissed.

25-08-2025

Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

vrc

To

1. The Metropolitan Magistrate,
Fast Track Court V,
Egmore, Chennai.

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N.SATHISH KUMAR J.

VRC

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