



CrI.O.P.No.27594 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.10.2025

CORAM:

THE HON'BLE MR.JUSTICE N. SATHISH KUMAR

CrI.O.P.No.27594 of 2025
and CrI.M.P.No.18707 of 2025

M.Karthik Gupta ... Petitioner

Vs.

R.Sundaravadivel ... Respondent

PRAYER : Criminal Original Petition is filed under Section 528 of BNSS, to call for the records in STC.No.10 of 2025 on the file of the learned Judicial Magistrate No.II, Panruti and quash the same.

For Petitioner : Mr.P.Pugazeanthi

ORDER

The petitioner seeks to quash the complaint under Section 138 of NI Act on the ground that there is no materials available to show that there is legally enforceable debt.

2. The complaint proceeded as if the petitioner agreed to settle the amount payable to one Subramaniam in a Panchayat. As the Subramaniam did not agree for receipt of cheque, the respondent has issued his cheque to Subramaniam and in fact, he has realised that amount. The cheque issued by the petitioner taken as security by the respondent towards the amount



CrI.O.P.No.27594 of 2025

already realised by Subramani. When the cheque as presented for encashment, the same was dishonoured.

3. The very allegations in the complaint indicate that all the facts are required to be proved in evidence, therefore, whether there is legally enforceable debt or not or whether the petitioner owed some money payable to Subramaniam and it was discharged by the respondent are all matter of evidence. This Court is of the view that all the factual aspects have to be established only before the Trial Court. In this regard, it is relevant to note that the Hon'ble Supreme Court in the case of *Gunmala Sales Private Limited Vs. Anu Mehta and others* reported in (2015) 1 SCC 103 has held that High Court cannot conduct a mini trial or roving enquiry in a 482 petition.

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

09.10.2025

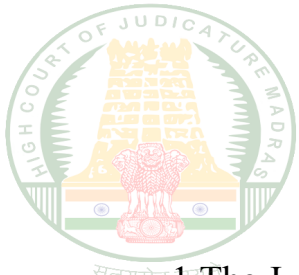
dhk

Neutral Citation : Yes/No

Internet : Yes/No

To

2/4



CrI.O.P.No.27594 of 2025

1.The Judicial Magistrate No.II, Panruti

WEB COPY

2. The Public Prosecutor,
High Court of Madras.

N. SATHISH KUMAR, J.

dhk



WEB COPY



CrI.O.P.No.27594 of 2025

CrI.O.P.No.27594 of 2025

09.10.2025