



CrI.O.P.No.25366 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.09.2025

CORAM:

THE HON'BLE MR.JUSTICE N. SATHISH KUMAR

CrI.O.P.No.25366 of 2025
and CrI.M.P.Nos.17148 & 17150 of 2025

Ameenabi

... Petitioner

Vs.

Palanisamy

... Respondent

PRAYER : Criminal Original Petition is filed under Section 528 of BNSS, to call for the records and quash S.T.C.No.49 of 2024 on the file of the learned Judicial Magistrate, Fast Track Court-I, Dharmapuri.

For Petitioners : Mr.C.Munusamy

ORDER

Challenge has been made to the private complaint filed under Section 138 of the Negotiable Instruments Act, 1881.

2. According to the petitioner, the petitioner's husband and the respondent are partners entered into real estate business and the cheque was issued long back. Now, the cheque has been misused and filled for Rs.30 lakhs, whereas, the validity of the cheque is upto Rs.10 lakh, therefore,



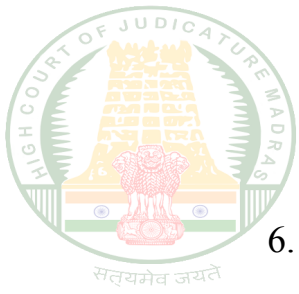
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seeks to quash the entire private complaint. That apart, he also issued Stop Payment also.

3. Heard the learned counsel for the petitioner and perused the materials placed on record.

4. At the outset, this Court is of the view that whether the cheque has been misused and filled later are all matter of evidence and it has to be tested only in trial and this Court cannot conduct roving enquiry or mini trial. 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.

5. Such view of the matter, At this stage, I am not inclined to quash the private complaint against the petitioner. At this stage, the learned counsel for the petitioner sought indulgence of the Court, to dispense with the personal appearance of the petitioner.



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6. Accordingly, this Criminal Original Petition is dismissed. In view

of the submissions of the learned counsel for the petitioner, the personal appearance of the petitioner is dispensed with except for receiving copies, for answering the charges, for questioning under section 313 Cr.P.C. and any other dates fixed by the trial Court. Consequently, connected miscellaneous petitions are closed.

16.09.2025

dhk

Neutral Citation : Yes/No

Internet : Yes/No

To

1.The Judicial Magistrate, FTC
Dharmapuri

2.The Public Prosecutor,
High Court of Madras.



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N. SATHISH KUMAR, J.

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