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Crl.O.P.No.28659 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.01.2025

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.O.P.No.28659 of 2024 and

Crl.M.P.No.15962 of 2024

T.H.Lokesh

... Petitioner

Vs.

M.Arvind Bagrecha

... Respondent

Prayer: Criminal Original Petition filed under Section 528 of B.N.S.S. to call for records in S.T.C. No.3845 of 2022 on the file of the Fast Track Court-IV, Metropolitan Magistrate, George Town, Chennai and quash the same.

For Petitioner : Mr.R.Surendar Kumar

For Respondent : Mr.Ralph V.Manohar

ORDER

This Criminal Original Petition has been filed by the petitioner to quash the complaint in S.T.C. No.3845 of 2022 on the file of the Fast Track Court-IV, Metropolitan Magistrate, George Town, Chennai.



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2. The case of the petitioner is that the respondent has filed a complaint against the petitioner in STC No.385/2022 before the Fast Track Court-IV, Metropolitan Magistrate, George Town, Chennai under Section 200 Cr.P.C. for the offence under Section 138 read with 142 of Negotiable Instruments Act. Hence, the present petition is filed to quash the same.

3. The learned counsel for the petitioner submitted that the petitioner only stood as one of the guarantors and already, the respondent filed a complaint against one of the co-guarantors and settled the dispute and the amount was also settled to the respondent. Since the amount was already settled to the respondent, there is no legally dischargeable debt. Therefore, the complaint has to be quashed.

4. Heard both sides and perused the materials available on record.

5. A perusal of the materials does not show anything regarding the transaction for which the cheque was given to the respondent. Whether the petitioner stood only as a guarantor, whether the said guaranteed amount was



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settled to the respondent or not and whether it is a legally dischargeable debt or

not are all matter for trial which can be decided only after trial and not at this stage.

6. Under these circumstances, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petition is closed.

7. However, the petitioner is at liberty to take all his defence before the Magistrate during trial.

20.01.2025

Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No

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To

The Fast Track Court-IV, Metropolitan Magistrate,
George Town, Chennai



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P.VELMURUGAN. J.

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