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Crl.O.P.No.26073 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2025

CORAM

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Crl.O.P.No. 26073 of 2025
and
Crl.M.P.Nos.17699 and 17700 of 2025

P.Adinarayana

... Petitioner

Vs.

N.Ramaswamy Reddy

... Respondent

Prayer: Criminal Original Petition is filed under Section 528 BNSS, 2023, to call for the records in S.T.C.No.115 of 2025 pending on the file of the learned Judicial Magistrate (Fast Track) Court, Hosur and quash the same as illegal, incompetent by allowing this present Criminal Original Petition.

For Petitioner : Mr.M.Mohamed Afridi

ORDER

This Criminal Original Petition has been filed seeking a direction to quash the proceedings in S.T.C.No.115 of 2025 on the file of the Judicial Magistrate (Fast Track) Court, Hosur.



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2. The respondent herein/complainant filed a complaint invoking

Section 138 of the Negotiable Instruments Act, 1881 (As amended by Act 1988) against the petitioner/accused for the alleged dishonour of cheque issued for a sum of Rs.1,25,00,000/-. After issuing statutory notice, the said complaint came to be filed and the same was numbered as S.T.C.No.115 of 2025 on the file of the Judicial Magistrate (Fast Track) Court, Hosur.

3. It is the case of the respondent herein/complainant that the alleged cheque was issued towards the consideration for executing the rectification deed in respect of the properties. The complainant had presented the cheque for collection, which was not honoured and returned for the reason 'Account Closed'. Thereafter, a complaint came to be registered.

4. The grievance of the petitioner/accused is that there is no liability and he is not liable to pay any amount to the respondent/complainant and hence, the said proceedings may be quashed.



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5. At the outset, this Court is of the view that whether the petitioner/accused is liable to pay any amount or not is a matter of evidence and it is for the petitioner to bring out the probabilities to discharge the legal presumption under the Negotiable Instruments Act, 1881. Therefore, at this stage, while exercising powers under Section 482 Cr.P.C./528 BNSS, this Court cannot appreciate the above submissions. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petitions are closed.

23.09.2025

Index : Yes/No
Neutral Citation Case : Yes/No
Speaking Order : Yes/No
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To

The Judicial Magistrate (Fast Track) Court,
Hosur.



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N. SATHISH KUMAR, J.

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