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CRL OP No. 26642 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-09-2025

CORAM

THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

**CRL OP No. 26642 of 2025 &
Crl.M.P.Nos.18071 & 18072 of 2025**

1. V.Gunasekaran

S/o.Venkatrama Pillai, No.32 (First
Floor) 7th Cross Extension, Rainbow
Nagar, Puducherry - 605 011. Presently
residing at No.4, Place Du Quinconce,
91350 Grigny, France, Represented by
his POA Mr.Arulraj L

Petitioner(s)

Vs

1. S.Ganesan

S/o.Late.L.Seethapathy, No.32, Ground
Floor, 7th Cross Extension, Rainbow
Nagar, Puducherry - 605 011.

Respondent(s)

PRAYER : Criminal Original Petition filed under section 528 of BNSS to call for the records in STC No.2330/2024 pending on the file of the Honble Fast Track Court, Magistrate Level (NI Act), Puducherry and QUASH the same and pass such further or other orders which may deem fit in the circumstances of the cases and thus render justice.



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CRL OP No. 26642 of 201



For Petitioner(s): Mr.C.Sakthimanikandan

ORDER

The petitioner seeks to quash the proceedings initiated against him under section 138 of the Negotiable Instruments Act in the present Criminal Original Petition.

2. The case of the complainant is that the petitioner borrowed money from the him on various occasions to the tune of Rs.49,00,000/- and to discharge the said liability the petitioner issued a cheque for the said amount. When the cheque was presented for encashment, the same was returned as 'Account blocked situation covered in 2125' by the petitioner's banker. Hence, the complaint has been filed, after issuance of statutory notice.

3. It is the case of the petitioner that at the time of issuance of the cheque, he was not in India and he was in France. The cheque has been dishonoured for



the reason 'Account blocked situation covered in 2125' by the petitioner's banker and the same indicate that the cheque was not issued at the relevant point of time and the same is a result of forgery. Hence, seeks to quash the complaint.

4. The petitioner seeks to establish alibi. A perusal of the complaint indicates that the petitioner had borrowed the amount from the complainant for which he had issued a cheque and on presentation of the cheque, the same got dishonoured, due to which the complaint has been filed. At this stage, the plea of alibi cannot be gone into to quash the 138 proceedings initiated against petitioner. The petitioner can very well raise all the grounds before the trial Court. Hence, I do not find any merits in this petition.

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

26-09-2025



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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

vrc

To

The Fast Track Court,
Magistrate Level [NI Act],
Puducherry.



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N.SATHISH KUMAR J.

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