



WEB COPY

CRL OP No. 27794 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-10-2025

CORAM

THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

CRL OP No. 27794 of 2025 &

CrI.M.P.Nos.18865 & 18866 of 2025

1. R.Balaji

S/o.Rajamani, Ountyour Village,
Nakkalpatti Post, Bargur Taluk,
Krishnagiri District.

Petitioner(s)

Vs

1. R.Kalaiyarasan

S/o.Raji, Door No.1/3-11, Parakkallur
Andikkarai Post, Konur Village, Mettur
Taluk, Salem District.

Respondent(s)

PRAYER : Criminal Original Petition filed under section 528 of BNSS to call for the records relating to the CC No.195/2024 pending on the file of Learned Judicial Magistrate No.II, Mettur and quash the same.

For Petitioner(s): M.Guruprasad



ORDER

The petitioner seeks to quash the complaint filed by the respondent for the offence under section 138 of the Negotiable Instruments Act, in the present Criminal Original Petition.

2. The complaint was initiated for the dishonor of the cheque issued by the petitioner for a sum of Rs.10 lakhs. According to the defacto complainant, the petitioner had borrowed a sum of Rs.10 lakhs and issued post dated cheque. When the cheque was presented for encashment, the same was dishonoured for the reason 'payment stopped by the borrower.' After issuing statutory notice, the complaint has been filed. The same has been sought to be quashed on the ground that the mother of the petitioner had already given a complaint against the respondent for theft of four cows and as a counter blast, the present complaint has been filed. It is his further contention that the petitioner had also given a complaint against the respondent and two others. Hence, seeks to quash the complaint.

3. At the outset, this Court is of the view that the allegations raised by the



petitioner are disputed facts and the same have to be established in the manner known to law. It is for the petitioner to dislodge the legal presumption attached to the cheque by adducing proper evidence. Such disputed facts cannot be gone into in this petition filed under section 528 of BNSS. Hence, I do not find any merits in this petition.

4. Accordingly, this Criminal Original Petition is dismissed.

Consequently, connected miscellaneous petitions are closed.

13-10-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

vrc

To

The Judicial Magistrate No.II,
Mettur.



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N.SATHISH KUMAR J.

vrc

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