



Crl.O.P.No.32499 of 2024

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.01.2025

CORAM :

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.O.P.No.32499 of 2024 and
Crl.M.P.No.18576 & 18577 of 2024

R.Balaji

... Petitioner

Vs.

K.Sudhakar

...Respondent

Prayer: Criminal Original Petition filed under Section 528 BNSS, to call for the records and quash the case in C.C.No.12 of 2024 pending on the file of the learned Judicial Magistrate, Arni, Thiruvannamalai District.

For Petitioner : Mr.D.Babu Varadharajan

ORDER

This petition has been filed seeking to quash the case in C.C.No.12 of 2024 pending on the file of the learned Judicial Magistrate, Arni, Thiruvannamalai District.



WEB COPY

2 According to learned counsel for the petitioner, the respondent has filed a complaint against petitioner for the offence under Section 138 of Negotiable Instruments Act, alleging that the petitioner/accused borrowed a sum of Rs.9,75,000/- and in order to repay the same, he has issued cheques, which were dishonored. The petitioner/accused did not receive statutory notice and already the account was closed, but the endorsement shows that the cheque has been returned for insufficient funds. Therefore the learned trial Judge ought not to have taken cognizance of the complaint filed by the respondent and hence the case in C.C.No.12 of 2024 is liable to be quashed.

3 It is seen that the petitioner is an accused and the respondent is complainant, who filed complaint against the petitioner for the offence under Section 138 of NI Act. The present petition has been filed to quash the case in C.C.No.12 of 2024 mainly on the two grounds; one is non service of statutory notice and the other one is already the account has been closed, but the endorsement shows that “insufficient funds”.



CrI.O.P.No.32499 of 2024

WEB COPY

4 The grounds raised for consideration in the present criminal original petition are all in the form of defence, which can be taken during trial and the same are not sufficient to quash the case. Further this Court does not find any reason to quash the case as sought for by the petitioner.

5 Therefore the criminal original petition stands dismissed. Consequently connected miscellaneous petitions are also closed. However, the petitioner is at liberty to take all his defence before the trial Court.

08.01.2025

Speaking Order/Non Speaking Order
cgi

To

The Judicial Magistrate, Arni, Thiruvannamalai District.



WEB COPY



Crl.O.P.No.32499 of 2024

P.VELMURUGAN, J.,

cgi

Crl.O.P.No.32499 of 2024 and
Crl.M.P.No.18576 & 18577 of 2024

08.01.2025