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CRL OP No. 28598 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 22-10-2025**

CORAM

**THE HONOURABLE MR JUSTICE N. SATHISH KUMAR**

**CRL OP No. 28598 of 2025**

1. T.Karthikeyan  
S/o.Thangavelu, 24/92, EB Central  
Office Road, Mettur Dam, Mettur,  
Salem District-636 401

Petitioner(s)

Vs

1. Ma Transport  
Salem District

2.Kalyani  
W/o.Murugan Rep by its Proprietrix of  
M/s.M.A.Transport

3.Murugan  
S/o.Venkatachalam, All are residing at  
D.No.2/62 ,Hospital Colony, Pillayar  
Koil Street, Mettur-636 401, Salem  
District

Respondent(s)

**PRAYER** : Criminal Original Petition filed under section 528 of BNSS to call for the records and quash the proceedings in CC.No.499/2024 pending on the file of the Judicial Magistrate No.I, Mettur , Salem District



For Petitioner(s): Mr.D.Ashokkumar

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**ORDER**

This Criminal Original Petition has been filed to quash the complaint filed in C.C.No.499 of 2024 on the file of learned Judicial Magistrate No.I, Mettur for the offence under section 138 of Negotiable Instruments Act.

2. The case of the respondents is that the petitioner had offered to sell his property to the third respondent for a sum of Rs.90,00,000/- and paid a sum of Rs.35,00,000/- towards part of the sale consideration. It is their further case that at the time of contract, petitioner had not disclosed the he had already mortgaged the property for a sum of Rs.92,45,729/-. When the same was questioned, the accused had promised that he will clear and settle all the amounts on the the date of registration of documents. As they had paid huge amount as an advance, the respondents had paid a sum of Rs.1,12,50,000/-, to the bank, which the petitioner is liable to pay and thereafter, the sale deed came to be registered. When the respondents demanded the amount payable by the



petitioner, he issued three cheques for a sum of Rs.27,00,000/- and when the cheques were presented for encashment, the same were dishonoured due to insufficient funds. After issuing statutory notice, the present complaint came to be filed.

3. According to the petitioner, there is no legally enforceable debt payable by the petitioner to the complainants. A perusal of the entire complaint, particularly the typed set filed along with this petition, indicate that P.W.1 was already examined in chief and also cross examined before the trial Court. When the substantive evidence had already come on record, it is for the trial Court to appreciate the evidence and come to a conclusion, whether the petitioner had dislodged the legal presumption attached to the cheques or not at At this stage, this Court cannot conduct mini trial or sit as an appellate authority to go into the veracity of the evidence. Hence, I am not inclined to quash the proceedings. Let the trial Court complete the trial and dispose of the case expeditiously.



4. With the above observations, this Criminal Original Petition is dismissed.

**22-10-2025**

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

vrc

To

The Judicial Magistrate No.I,  
Mettur.



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**N.SATHISH KUMAR J.**

VRC

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