



CrI.O.P(MD)No.2962 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.04.2025

CORAM

THE HONOURABLE **MR.JUSTICE P. DHANABAL**

**CrI.O.P(MD)No.2962 of 2025**  
**and**  
**CrI.M.P(MD)Nos.1993 & 1994 of 2025**

S.C.Mahendran

... Petitioner

Vs.

Balamurugan

... Respondents

**PRAYER:** Criminal Original petition has been filed under Section 528 of BNSS to call for the records in STC No.897 of 2017, on the file of the Judicial Magistrate Court No.1 (Fast Track Court at Magisterial Level), Madurai and quash the same.



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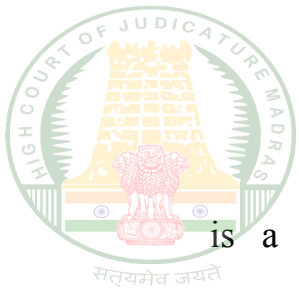
For Petitioner : Mr.J,John

For Respondent: Mr.J.Jeyakumaran

### **ORDER**

This Criminal Original Petition has been filed seeking to quash the impugned proceedings in STC No.897 of 2017, on the file of the Judicial Magistrate Court No.1 (Fast Track Court at Magisterial Level), Madurai.

2.The learned Counsel for the petitioner would submit that the petitioner is the accused in the cheque case pending before the Judicial Magistrate Court No.1 (Fast Track Court at Magisterial Level), Madurai in STC No.897 of 2017. The case is barred by limitation since there is a delay of 73 days in filing the cheque complaint and there is no legally enforceable debt and there is a business transaction between the petitioner and the complainant's wife and suppressing the same, the present complaint has been filed. As per the document filed by the petitioner in Ex.P6 before the trial Court, there is an agreement that there



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is a business transaction between the petitioner and the defacto complainant's wife. Therefore, the pending proceedings are nothing but abuse of process of law. Hence the impugned proceedings are liable to be quashed.

3. The learned Counsel for the respondent would submit that that the complainant presented the cheque issued by the petitioner and the same was returned with an endorsement as "account closed" and the complainant issued a legal notice dated 26.07.2017, but the petitioner denied the allegations. Hence the present complaint was filed before the trial Court. Now, the case is posted for examination of accused. All the grounds raised by the petitioner are nothing but defence already taken before the trial Court. Only to delay the proceedings, this petition has been filed and he prayed to dismiss this petition.

4. Heard both sides and perused the records.

5. According to the petitioner, the respondent has filed the cheque case against him before the Judicial Magistrate Court No.1 (Fast Track Court at Magisterial Level), Madurai in STC No.897 of 2017. Now, the



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case is also posted for defence side evidence. This case is barred by limitation since there is a delay of 73 days in filing the cheque complaint.

There is no legally enforceable debt and there is a business transaction between the petitioner and the complainant's wife and suppressing the same, the present complaint has been filed and the document in Ex.P.6 filed by the petitioner would reveal the same. The respondent denied the arguments of the petitioner.

6.It is admitted fact that already complainant side evidence was closed and now the case is posted for defence side witness. As far as the question of limitation and whether any legally enforceable debt exists or not are concerned those aspects have to be decided by the trial Court based on the evidence adduced by the parties before the trial Court. Without evidence those points cannot be decided by this Court. Moreover, already the petitioner side evidence was closed and it is for the petitioner to prove his defence, through sufficient evidence.

7.In view of the above, the pending proceedings cannot be quashed at this stage and this petition has no merits and the same deserves to be dismissed. Accordingly, this criminal original petition is dismissed.



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Consequently, connected miscellaneous petitions are closed. The trial Court is directed to complete the trial as early as possible without granting any long adjournments, beyond one week.

**25.04.2025**

Internet :Yes  
Index :Yes/No  
NCC :Yes/No  
LR

To

1.The Judicial Magistrate Court No.1  
(Fast Track Court at Magisterial Level),  
Madurai.

2.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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**P. DHANABAL, J.**

LR

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