



WEB COPY

CRL OP No. 8469 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-04-2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 8469 of 2026 &

CrI.M.P.Nos.6029 & 6030 of 2026

G.Prabakaran
S/o.Gopal,
No.202, Vallalar Nagar,
Odapalli, A.Jettahalli,
Dharmapuri - 636705.

..Petitioner(s)

Vs

Arul
S/o.Shanmugam,
No.19/34, Sungu Seetharama Street,
Pichanoor,
Gudiyatham Town,
Vellore District - 632 602.

..Respondent(s)

Prayer : Criminal Original Petition filed under section 528 of BNSS to call for the entire records pursuant to C.C.No.12 of 2019 on the file of the learned Judicial Magistrate, Gudiyattam and quash the same by allowing this Criminal Original Petition.

For Petitioner(s):

Mr.G.Kesavan

ORDER

The petitioner, who is facing trial in C.C.No.12 of 2019 for the offence under section 138 of the Negotiable Instruments Act, filed this quash petition.

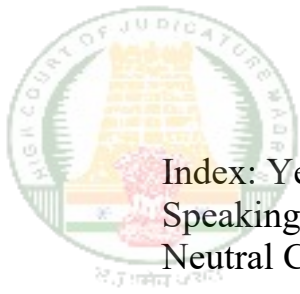


2. The respondent had filed a private complaint against the petitioner stating that the petitioner had borrowed a sum of Rs.6,00,000/- from him and that the cheque given towards discharge of the said liability has been dishonoured for 'funds insufficient'. The petitioner primarily assails the complaint stating that cheque has been given as a security in an earlier transaction, which has been repaid and the said transaction has been projected in the present case and that there is no relationship with the respondent. Hence, seeks to quash the complaint.

3. From a perusal of materials, it is seen that the petitioner claims that he had issued the cheque in an earlier transaction and he had already repaid the amount in that transaction. In view of the above, the petitioner cannot now take a stand that there is no relationship with the respondent. Further, it is for the trial Court to consider whether the cheque has been issued as a security in an earlier transaction and amount has been repaid. All these facts have to be decided during the trial. Hence, I do not find any merits in this petition.

4. Accordingly, this Criminal Original Petition is dismissed. Consequently connected miscellaneous petitions are closed.

06-04-2026



Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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To

The Judicial Magistrate,
Gudiyatham.



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M.NIRMAL KUMAR, J.

VRC

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