



Crl.OP(MD).No.23779 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.03.2026

CORAM

THE HONOURABLE MR JUSTICE R.VIJAYAKUMAR

Crl. OP(MD).No.23779 of 2025

and

Crl.MP(MD).No.20631 of 2025

Muthuselvi

....Petitioner

Vs

Sree Gokulam Chits & Finance Co.(P) Ltd.,

Having office at

Kovilpatti

Manapparai Taluk

Trichirappalli District

Represented by its Director Manager

and through his Power Agent

Mr.Sankar

Collection Assistant

....Respondent

Prayer:The Criminal Original Petition filed under Section 528 of Bharathiya Nakarik Suraksha Sanhita to call for the entire records in S.T.C.No.291 of 2023 on the file of the Judicial Magistrate Court, Manapparai and quash the same as illegal.

For Petitioner

: Mr.B.Sekar

For Respondent

: No appearance for



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ORDER

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The present petition has been filed seeking to quash the records in STC.No.291 of 2023 on the file of the Judicial Magistrate Court, Manapparai.

2.A perusal of the records reveal that the proceedings have been initiated for dishonour of the cheque under Section 138 read with Section 142 of Negotiable Instruments Act, 1881. The petitioner being a Chit subscriber of the respondent is alleged to have committed default which has resulted in initiation of the arbitration proceedings and an award came to be passed and an execution petition is also said to be pending.

3.In the meantime, the petitioner is alleged to have given a cheque in favour of the respondent on 23.01.2023 to a tune of Rs.22,48,404/-. The said cheque has been dishonoured and a statutory notice was issued on 13.02.2023 and the complaint has been lodged on 28.03.2023.

4.According to the learned counsel appearing for the writ petitioner, the cheque was not given on 23.01.2023. Even assuming that a cheque was issued by her, it was given only as security when she was a chit subscriber. The learned counsel had further submitted that the amount that is sought to be recovered in the execution proceedings is only Rs.17,36,000/-. However, the cheque has to be filled by the respondent to a tune of Rs.22,48,404/-. On this ground, the petitioner seeks to quash STC.No.291 of 2023.



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5.It is settled position of law that the proceedings cannot be quashed on the disputed facts. Whether the cheque was issued for security, on what date it was issued and for what amount it was issued are all disputed facts and they have to be established before the trial Court.

6.In view of the above said facts, there are no merits in the petition. Accordingly, this Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petition is closed.

02-03-2026

Internet : Yes/No
Index : Yes/No
NCC : Yes/No
msa

To

The Judicial Magistrate Court, Manapparai



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R.VIJAYAKUMAR, J.

msa

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