

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.06.2015

CORAM

The Hon'ble Mr. Justice R.S.RAMANATHAN

Crl.O.P.No.18505 of 2010
and
M.P.No.1 of 2010

G.Sekar ...Petitioner/Accused
vs.

M.Subramaniam ...Respondent/Complainant

Criminal Original Petition filed under Section 482 of the Criminal Procedure Code to call for records relating to the criminal proceedings in S.T.C.No.472 of 2010, on the file of the Judicial Magistrate No.1, Puducherry, and to quash the same.

For Petitioner : Mr.R.Marudhachalamurthy

For Respondent : Mr.H.Suresh Baabu

O R D E R

The accused in S.T.C.No.472 of 2010, on the file of the Judicial Magistrate No.1, Puducherry, is the petitioner herein.

2. The respondent/complainant has filed the abovesaid case/complaint against the petitioner for offence under Section 138 of Negotiable Instruments Act, and this Petition is filed by the petitioner to quash the said case.

3. It is submitted by the learned counsel appearing for the petitioner that, the respondent was the counsel appearing for the petitioner in civil cases, and he joined hands with the opponents of the petitioner and by practising fraud, obtained the cheque in his favour, and initiated the proceedings against the petitioner, and there was no legally enforceable liability on the part of the petitioner, and the petitioner has also given complaint against the respondent before the Bar Council of Tamil Nadu and Pondicherry, and regarding the same, enquiry is pending. The learned counsel, therefore, submitted that the complaint filed against the petitioner is liable to be quashed.

4 According to me, the submissions of the learned counsel for the petitioner cannot be considered in the quash Petition filed under Section 482 Cr.P.C., and these aspects have to be proved by the petitioner by adducing evidence before the Trial Court. Hence, I do not find any merit in the Criminal Original Petition.

5. Accordingly, the Criminal Original Petition is dismissed, granting liberty to the petitioner to adduce substantial evidence before the Trial Court to fortify his case. Considering the fact that the case in S.T.C.No.472 of 2010 is pending for the past 5 years, the learned Judicial Magistrate No.1, Puducherry, is directed to dispose of the said case within a period of four months from the date of receipt of a copy of this order. Consequently, connected M.P. is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

sd

To

The Judicial Magistrate No.1, Puducherry

+ 1 cc to Mr.R.Marudhachalamurthy, Advocate Sr.28533

Crl.O.P.No.18505 of 2010

VGI (CO)
Eu 24.06.15

सत्यमेव जयते

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