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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 22.01.2015
CORAM

THE HONOURABLE MR. JUSTICE C.T.SELVAM

Crl.O.P.(MD)No.7253 and 7452 of 2013
and

M.P.(MD)Nos.2&2 of 2013

M.P.(MD)Nos.1&1 of 2014

1.Jeyapandian ... Petitioner in Crl.OP.7253/2013

2.Asan Aliyar ... Petitioner in Crl.OP.7452/2013

-Vs-

Jeyaraman Chettiar ... Respondent in Both Crl.Ops.

PRAYER: Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to S.T.C.Nos.286 and 287 of 2012 respectively on the file of Judicial Magistrate No.II, Ramanathapuram and quash the same.

For petitioners : Mr.V.Sitharanjandas

For Respondent : Mr.H.Lakshmishankar

COMMON ORDER

These petitions have been filed praying to quash the proceedings in S.T.C.Nos.286 and 287 of 2012 respectively on the file of the learned Judicial Magistrate No.II, Ramanathapuram.

2. The contention of the learned counsel appearing for the petitioners is that false cases, under Section 138 of Negotiable Instruments Act, having been filed against the petitioners. There is an underlining transaction relating to the sale of property between both the parties and cheque left with the respondent / complainant for a sum of Rs.42,500/- have been utilized wrongfully in the above said transaction. Such factual contentions have to be raised only before the trial Court and it cannot be now considered.

3. For the said reason, the Criminal Original Petitions shall stand dismissed. In the course, if the cases end in acquittal, it will always be open to the petitioners to take appropriate action for false prosecution



against the erring side.
petitions are also dismissed.

Consequently, connected miscellaneous

Sd/-

Assistant Registrar(T&P)

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Sub Assistant Registrar

To

1.The Judicial Magistrate No.II,
Ramanathapuram

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

+2cc to Mr.V.Sitharanjandas, Advocate, SR.Nos. 2825 & 2826

+2cc to M/s.H.Lakshmi Shankar, Advocate, SR.Nos.2872 & 2873

Crl.O.P. (MD) No.7253 and 7452 of 2013 and

M.P. (MD) Nos.2&2 of 2013 &

M.P. (MD) Nos.1&1 of 2014

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MPK

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