

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 09.06.2017

CORAM:

THE HONOURABLE MR. JUSTICE P.N.PRAKASH**Crl.O.P. (MD) Nos. 6487 and 6708 to 6744 of 2017
and****Crl.M.P. (MD) Nos. 4286, 4287 and 4413 to 4486 of 2017**

S.Rajendran,
S/o.N.Subbiah Konar,
Proprietor Inland Real Estate : Petitioner/
Accused in all Petitioners

-Vs-

M/s.Kannapiran Auto Finance,
Represented by its Working Partner
R.Kathiresan

: Respondent in CRL OP(MD) No.6487 of 2017/
Complainant

M/S.KARKULAZHI AUTO FINANCE
REP BY ITS WORKING PARTNER R.KATHIRESAN
S/O.RAMASAMY 43 4TH FLOOR PADMA TOWER
KARUR-4 AT PRESENT TAM COMPLEX NRMP ST.
KOVAI ROAD KARUR-2

... RESPONDENT(s) in CRL OP(MD) No.6708 of 2017/
Complainant

M/S.ANJUGAM FINANCIER
REP BY ITS WORKING PARTNER R.KATHIRESAN
S/O.RAMASAMY 43 4TH FLOOR PADMA TOWER
KARUR-4 AT PRESENT TAM COMPLEX NRMP ST.
KOVAI ROAD KARUR-2

... RESPONDENT(s) in CRL OP(MD) No.6709 of 2017/
Complainant

M/S.YOHALAKSHMI FINANCE
REP BY ITS WORKING PARTNER R.KATHIRESAN
S/O.RAMASAMY 43 4TH FLOOR PADMA TOWER
KARUR-4 AT PRESENT TAM COMPLEX NRMP ST.
KOVAI ROAD KARUR-2

<https://hcservices.ecourts.gov.in/hcservices/> ... RESPONDENT(s) in CRL OP(MD) No.6710 of 2017/
Complainant



M/S.KALAIARASI LEASINGS
REP BY ITS WORKING PARTNER R.KATHIRESAN
S/O.RAMASAMY 43 4TH FLOOR PADMA TOWER
KARUR-4 AT PRESENT TAM COMPLEX NRMP ST.
KOVAI ROAD KARUR-2

... RESPONDENT(s) in CRL OP(MD) No.6711 of 2017/
Complainant

M/S.VALAMPURI INVESTMENTS
REP BY ITS WORKING PARTNER R.KATHIRESAN
S/O.RAMASAMY 43 4TH FLOOR PADMA TOWER
KARUR-4 AT PRESENT TAM COMPLEX NRMP ST.
KOVAI ROAD KARUR-2

... RESPONDENT(s) in CRL OP(MD) No.6712 of 2017/
Complainant

M/S.KALANJIYAM INVESTMENTS
REP BY ITS WORKING PARTNER R.KATHIRESAN
S/O.RAMASAMY 43 4TH FLOOR PADMA TOWER
KARUR-4 AT PRESENT TAM COMPLEX NRMP ST.
KOVAI ROAD KARUR-2

... RESPONDENT(s) in CRL OP(MD) No.6713 of 2017/
Complainant

M/S.VETRIVEL ENTERPRISES
REP BY ITS WORKING PARTNER R.KATHIRESAN
S/O.RAMASAMY 43 4TH FLOOR PADMA TOWER
KARUR-4 AT PRESENT TAM COMPLEX NRMP ST.
KOVAI ROAD KARUR-2

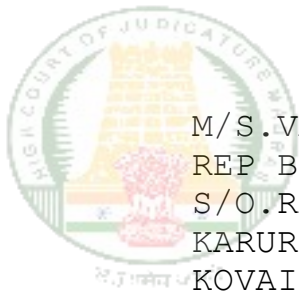
... RESPONDENT(s) in CRL OP(MD) No.6714 of 2017/
Complainant

M/S.CHENGKATHIR INVESTMENTS
REP BY ITS WORKING PARTNER R.KATHIRESAN
S/O.RAMASAMY 43 4TH FLOOR PADMA TOWER
KARUR-4 AT PRESENT TAM COMPLEX NRMP ST.
KOVAI ROAD KARUR-2

... RESPONDENT(s) in CRL OP(MD) No.6715 of 2017/
Complainant

M/S.SOODAMANI INVESTMENTS
REP BY ITS WORKING PARTNER R.KATHIRESAN
S/O.RAMASAMY 43 4TH FLOOR PADMA TOWER
KARUR-4 AT PRESENT TAM COMPLEX NRMP ST.
KOVAI ROAD KARUR-2

... RESPONDENT(s) in CRL OP(MD) No.6716 of 2017/
Complainant



M/S.VALAMPURI FINANCE
REP BY ITS WORKING PARTNER R.KATHIRESAN
S/O.RAMASAMY 43 4TH FLOOR PADMA TOWER
KARUR-4 AT PRESENT TAM COMPLEX NRMP ST.
KOVAI ROAD KARUR-2

... RESPONDENT(s) in CRL OP(MD) No.6717 of 2017/
Complainant

M/S.AMBIGAPATHY AUTO FINANCE
REP.BY ITS WORKING PARTNER R.KATHIRESAN S/O.
RAMASAMY PRE.AT 43 4TH FLOOR PADMA TOWER
KARUR-4 AT PRESENT TAM COMPLEX NRMP ST.
KOVAI RD KARUR-2

... RESPONDENT(s) in CRL OP(MD) No.6718 of 2017/
Complainant

M/S.KAAVIYAN AUTO FINANCE
REP.BY ITS WORKING PARTNER R.KATHIRESAN S/O.
RAMASAMY PRE.AT 43 4TH FLOOR PADMA TOWER
KARUR-4 AT PRESENT TAM COMPLEX NRMP ST.
KOVAI RD KARUR-2

... RESPONDENT(s) in CRL OP(MD) No.6719 of 2017/
Complainant

M/S.SOODAMANI LEASINGS
REP.BY ITS WORKING PARTNER R.KATHIRESAN S/O.
RAMASAMY PRE.AT 43 4TH FLOOR PADMA TOWER
KARUR-4 AT PRESENT TAM COMPLEX NRMP ST.
KOVAI RD KARUR-2

... RESPONDENT(s) in CRL OP(MD) No.6720 of 2017/
Complainant

M/S.KALANCHIYAM AUTO FINANCE
REP.BY ITS WORKING PARTNER R.KATHIRESAN S/O.
RAMASAMY PRE.AT 43 4TH FLOOR PADMA TOWER
KARUR-4 AT PRESENT TAM COMPLEX NRMP ST.
KOVAI RD KARUR-2

... RESPONDENT(s) in CRL OP(MD) No.6721 of 2017/
Complainant

M/S.YOKALAKSHMI INVESTMENTS
REP.BY ITS WORKING PARTNER R.KATHIRESAN S/O.
RAMASAMY PRE.AT 43 4TH FLOOR PADMA TOWER
KARUR-4 AT PRESENT TAM COMPLEX NRMP ST.
KOVAI RD KARUR-2

... RESPONDENT(s) in CRL OP(MD) No.6722 of 2017/
Complainant



M/S.DHANIGAIMURUGAN LEASINGS
REP BY ITS WORKING PARTNER R.KATHIRESAN
PREVIOUSLY AT 43 4TH FLOOR PADMA TOWER
KARUR-4 AT PRESENT TAM COMPLEX NRMP ST.
KOVAI ROAD KARUR-2

... RESPONDENT(s) in CRL OP(MD) No.6723 of 2017/
Complainant

M/S.VETRIVEL INVESTMENTS REP.
BY ITS WORKING PARTNER R.KATHIRESAN S/O.
RAMASAMY PRE.AT 43 4TH FLOOR PADMA TOWER
KARUR-4 AT PRESENT TAM COMPLEX NRMP ST.
KOVAI ROAD KARUR-2

... RESPONDENT(s) in CRL OP(MD) No.6724 of 2017/
Complainant

N/S.KAVIMALAR LEASINGS REP.
BY ITS WORKING PARTNER R.KATHIRESAN S/O.
RAMASAMY PRE.AT 43 4TH FLOOR PADMA TOWER
KARUR-4 AT PRESENT TAM COMPLEX NRMP ST.
KOVAI ROAD KARUR-2

... RESPONDENT(s) in CRL OP(MD) No.6725 of 2017/
Complainant

M/S.DHANIGAIMURUGAN ENTERPRISE
REP.BY ITS WORKING PARTNER R.KATHIRESAN S/O.
RAMASAMY PRE.AT 43 4TH FLOOR PADMA TOWER
KARUR-4 AT PRESENT TAM COMPLEX NRMP ST.
KOVAI RD KARUR-2

... RESPONDENT(s) in CRL OP(MD) No.6726 of 2017/
Complainant

M/S.ANJUGAM AUTO FINANCE
REP BY ITS WORKING PARTNER R.KATHIRESAN
PREVIOUSLY AT 43 4TH FLOOR PADMA TOWER
KARUR-4 AT PRESENT TAM COMPLEX NRMP ST.
KOVAI ROAD KARUR-2

... RESPONDENT(s) in CRL OP(MD) No.6727 of 2017/
Complainant

M/S. ARULMOZHI AUTO FINANCE
REP.BY ITS WORKING PARTNER R.KATHIRESAN
PRE. OFF. AT NO. 43 4TH FLOOR PADMA TOWER
KARUR-4 AT PRE. TAM COMPLEX NRMP STREET
KOVAI ROAD KARUR-2

... RESPONDENT(s) in CRL OP(MD) No.6728 of 2017/
Complainant



M/S.YOHALAKSHMI ENTERPRISES
REP.BY ITS WORKING PARTNER R.KATHIRESAN
PRE. OFF. AT NO. 43 4TH FLOOR PADMA TOWER
KARUR-4 AT PRE. TAM COMPLEX NRMP STREET
KOVAI ROAD KARUR-2

... RESPONDENT(s) in CRL OP(MD) No.6729 of 2017/
Complainant

M/S. KAVIMALAR INVESTMENTS
REP.BY ITS WORKING PARTNER R.KATHIRESAN
PRE. OFF. AT NO. 43 4TH FLOOR PADMA TOWER
KARUR-4 AT PRE. TAM COMPLEX NRMP STREET
KOVAI ROAD KARUR-2

... RESPONDENT(s) in CRL OP(MD) No.6730 of 2017/
Complainant

M/S. CHENGKATHIR AUTO FINANCE
REP.BY ITS WORKING PARTNER R.KATHIRESAN
PRE. OFF. AT NO. 43 4TH FLOOR PADMA TOWER
KARUR-4 AT PRE. TAM COMPLEX NRMP STREET
KOVAI ROAD KARUR-2

... RESPONDENT(s) in CRL OP(MD) No.6731 of 2017/
Complainant

M/S.KALANJIYAM LEASINGS
REP.BY ITS WORKING PARTNER R.KATHIRESAN
PRE. OFF. AT NO. 43 4TH FLOOR PADMA TOWER
KARUR-4 AT PRE. TAM COMPLEX NRMP STREET
KOVAI ROAD KARUR-2

... RESPONDENT(s) in CRL OP(MD) No.6732 of 2017/
Complainant

M/S. ANJUGAM INVESTMENTS
REP.BY ITS WORKING PARTNER R.KATHIRESAN
PRE. OFF. AT NO. 43 4TH FLOOR PADMA TOWER
KARUR-4 AT PRE. TAM COMPLEX NRMP STREET
KOVAI ROAD KARUR-2

... RESPONDENT(s) in CRL OP(MD) No.6733 of 2017/
Complainant

M/S. KARKULAZHI MOTOR FINANCE
REP.BY ITS WORKING PARTNER R.KATHIRESAN
PRE. OFF. AT NO. 43 4TH FLOOR PADMA TOWER
KARUR-4 AT PRE. TAM COMPLEX NRMP STREET
KOVAI ROAD KARUR-2

... RESPONDENT(s) in CRL OP(MD) No.6734 of 2017/
Complainant



M/S. KANNAPIRAN INVESTMENTS
REP.BY ITS WORKING PARTNER R.KATHIRESAN
PRE. OFF. AT NO. 43 4TH FLOOR PADMA TOWER
KARUR-4 AT PRE. TAM COMPLEX NRMP STREET
KOVAI ROAD KARUR-2

... RESPONDENT(s) in CRL OP(MD) No.6735 of 2017/
Complainant

M/S. SUDARMANI ENTERPRISES
REP.BY ITS WORKING PARTNER R.KATHIRESAN
PRE. OFF. AT NO. 43 4TH FLOOR PADMA TOWER
KARUR-4 AT PRE. TAM COMPLEX NRMP STREET
KOVAI ROAD KARUR-2

... RESPONDENT(s) in CRL OP(MD) No.6736 of 2017/
Complainant

M/S.ARULMOZHI INVESTMENTS
REP.BY ITS WORKING PARTNER R.KATHIRESAN
PRE. OFF. AT NO. 43 4TH FLOOR PADMA TOWER
KARUR-4 AT PRE. TAM COMPLEX NRMP STREET
KOVAI ROAD KARUR-2

... RESPONDENT(s) in CRL OP(MD) No.6737 of 2017/
Complainant

M/S.ARIVIOZHI AUTO FINANCE
REP BY ITS WORKING PARTNER R.KATHIRESAN
S/O. RAMASAMY 43 4TH FLOOR PADMA TOWER
KARUR-4 AT PRESENT TAM COMPLEX NRMP ST.
KOVAI ROAD KARUR-2

... RESPONDENT(s) in CRL OP(MD) No.6738 of 2017/
Complainant

M/S.KALAIARASI AUTO FINANCE
REP BY ITS WORKING PARTNER R.KATHIRESAN
S/O. RAMASAMY 43 4TH FLOOR PADMA TOWER
KARUR-4 AT PRESENT TAM COMPLEX NRMP ST.
KOVAI ROAD KARUR-2

... RESPONDENT(s) in CRL OP(MD) No.6739 of 2017/
Complainant

M/S.HARIHARAN LEASINGS
REP BY ITS WORKING PARTNER R.KATHIRESAN
S/O. RAMASAMY 43 4TH FLOOR PADMA TOWER
KARUR-4 AT PRESENT TAM COMPLEX NRMP ST.
KOVAI ROAD KARUR-2

... RESPONDENT(s) in CRL OP(MD) No.6740 of 2017/
Complainant



M/S.KALAIYARASI INVESTMENT
REP BY ITS WORKING PARTNER R.KATHIRESAN
S/O. RAMASAMY 43 4TH FLOOR PADMA TOWER
KARUR-4 AT PRESENT TAM COMPLEX NRMP ST.
KOVAI ROAD KARUR-2

... RESPONDENT(s) in CRL OP(MD) No.6741 of 2017/
Complainant

M/S.NO.1 AUTO FINANCE
REP BY ITS WORKING PARTNER R.KATHIRESAN
S/O. RAMASAMY 43 4TH FLOOR PADMA TOWER
KARUR-4 AT PRESENT TAM COMPLEX NRMP ST.
KOVAI ROAD KARUR-2

... RESPONDENT(s) in CRL OP(MD) No.6742 of 2017/
Complainant

M/S. NIRAIMATHI LEASINGS
REP BY ITS WORKING PARTNER R.KATHIRESAN
S/O. RAMASAMY 43 4TH FLOOR PADMA TOWER
KARUR-4 AT PRESENT TAM COMPLEX NRMP ST.
KOVAI ROAD KARUR-2

... RESPONDENT(s) in CRL OP(MD) No.6743 of 2017/
Complainant

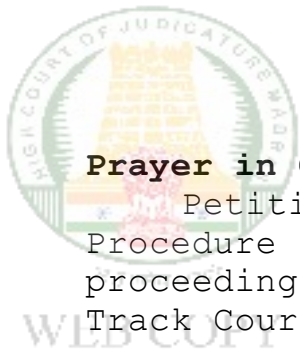
M/S. HARIHARAN AUTO FINANCE
REP BY ITS WORKING PARTNER R.KATHIRESAN
S/O. RAMASAMY 43 4TH FLOOR PADMA TOWER
KARUR-4 AT PRESENT TAM COMPLEX NRMP ST.
KOVAI ROAD KARUR-2

... RESPONDENT(s) in CRL OP(MD) No.6744 of 2017/
Complainant

PRAYER: Petition is filed under Section 482 of the Code of Criminal Procedure praying to call for the records pertaining to the proceedings in C.C.No.56 of 2017 pending on the file of the Fast Track Court (Magisterial Level), Karur and quash the same.

Prayer in CRL OP(MD) No.6708 of 2017:

Petition is filed under Section 482 of the Code of Criminal Procedure praying to call for the records pertaining to the proceedings in C.C.No.123 of 2017 pending on the file of the Fast Track Court (Magisterial Level) Karur, and quash the same.

**Prayer in CRL OP(MD) No.6709 of 2017:**

Petition is filed under Section 482 of the Code of Criminal Procedure praying to call for the records pertaining to the proceedings in C.C.No.106 of 2017 pending on the file of the Fast Track Court (Magisterial Level) Karur, and quash the same.

Prayer in CRL OP(MD) No.6710 of 2017:

Petition is filed under Section 482 of the Code of Criminal Procedure praying to call for the records pertaining to the proceedings in C.C.No.118 of 2017 pending on the file of the Fast Track Court (Magisterial Level) Karur, and quash the same.

Prayer in CRL OP(MD) No.6711 of 2017:

Petition is filed under Section 482 of the Code of Criminal Procedure praying to call for the records pertaining to the proceedings in C.C.No.58 of 2017 pending on the file of the Fast Track Court (Magisterial Level) Karur, and quash the same.

Prayer in CRL OP(MD) No.6712 of 2017:

Petition is filed under Section 482 of the Code of Criminal Procedure praying to call for the records pertaining to the proceedings in C.C.No.112 of 2017 pending on the file of the Fast Track Court (Magisterial Level) Karur, and quash the same.

Prayer in CRL OP(MD) No.6713 of 2017:

Petition is filed under Section 482 of the Code of Criminal Procedure praying to call for the records pertaining to the proceedings in C.C.No.89 of 2017 pending on the file of the Fast Track Court (Magisterial Level) Karur, and quash the same.

Prayer in CRL OP(MD) No.6714 of 2017:

Petition is filed under Section 482 of the Code of Criminal Procedure praying to call for the records pertaining to the proceedings in C.C.No.108 of 2017 pending on the file of the Fast Track Court (Magisterial Level) Karur, and quash the same.

Prayer in CRL OP(MD) No.6715 of 2017:

Petition is filed under Section 482 of the Code of Criminal Procedure praying to call for the records pertaining to the proceedings in C.C.No.111 of 2017 pending on the file of the Fast Track Court (Magisterial Level) Karur, and quash the same.

Prayer in CRL OP(MD) No.6716 of 2017:

Petition is filed under Section 482 of the Code of Criminal Procedure praying to call for the records pertaining to the proceedings in C.C.No.84 of 2017 pending on the file of the Fast Track Court (Magisterial Level) Karur, and quash the same.

**Prayer in CRL OP(MD) No.6717 of 2017:**

Petition is filed under Section 482 of the Code of Criminal Procedure praying to call for the records pertaining to the proceedings in C.C.No.59 of 2017 pending on the file of the Fast Track Court (Magisterial Level) Karur, and quash the same.

Prayer in CRL OP(MD) No.6718 of 2017:

Petition is filed under Section 482 of the Code of Criminal Procedure praying to call for the records pertaining to the proceedings in C.C.No.117 of 2017 pending on the file of the Fast Track Court (Magisterial Level), Karur, and Quash the same.

Prayer in CRL OP(MD) No.6719 of 2017:

Petition is filed under Section 482 of the Code of Criminal Procedure praying to call for the records pertaining to the proceedings in C.C.No.103 of 2017 pending on the file of the Fast Track Court (Magisterial Level), Karur, and Quash the same.

Prayer in CRL OP(MD) No.6720 of 2017:

Petition is filed under Section 482 of the Code of Criminal Procedure praying to call for the records pertaining to the proceedings in C.C.No.83 of 2017 pending on the file of the Fast Track Court (Magisterial Level), Karur, and Quash the same.

Prayer in CRL OP(MD) No.6721 of 2017:

Petition is filed under Section 482 of the Code of Criminal Procedure praying to call for the records pertaining to the proceedings in C.C.No.54 of 2017 pending on the file of the Fast Track Court (Magisterial Level), Karur, and Quash the same.

Prayer in CRL OP(MD) No.6722 of 2017:

Petition is filed under Section 482 of the Code of Criminal Procedure praying to call for the records pertaining to the proceedings in C.C.No.115 of 2017 pending on the file of the Fast Track Court (Magisterial Level), Karur, and Quash the same.

Prayer in CRL OP(MD) No.6723 of 2017:

Petition is filed under Section 482 of the Code of Criminal Procedure praying to call for the records pertaining to the proceedings in C.C.No.85 of 2017 pending on the file of the Fast Track Court (Magisterial Level), Karur, and Quash the same.

Prayer in CRL OP(MD) No.6724 of 2017:

Petition is filed under Section 482 of the Code of Criminal Procedure praying to call for the records pertaining to the proceedings in C.C.No.120 of 2017 pending on the file of the Fast Track Court (Magisterial Level), Karur, and Quash the same.

**Prayer in CRL OP(MD) No.6725 of 2017:**

Petition is filed under Section 482 of the Code of Criminal Procedure praying to call for the records pertaining to the proceedings in C.C.No.121 of 2017 pending on the file of the Fast Track Court (Magisterial Level), Karur, and Quash the same.

Prayer in CRL OP(MD) No.6726 of 2017:

Petition is filed under Section 482 of the Code of Criminal Procedure praying to call for the records pertaining to the proceedings in C.C.No.113 of 2017 pending on the file of the Fast Track Court (Magisterial Level), Karur, and Quash the same.

Prayer in CRL OP(MD) No.6727 of 2017:

Petition is filed under Section 482 of the Code of Criminal Procedure praying to call for the records pertaining to the proceedings in C.C.No.124 of 2017 pending on the file of the Fast Track Court (Magisterial Level), Karur, and Quash the same.

Prayer in CRL OP(MD) No.6728 of 2017:

Petition is filed under Section 482 of the Code of Criminal Procedure praying to call for the records pertaining to the proceedings in C.C.No. 55 of 2017 pending on the file of the Fast Track Court (Magisterial Level) karur, and Quash the same.

Prayer in CRL OP(MD) No.6729 of 2017:

Petition is filed under Section 482 of the Code of Criminal Procedure praying to call for the records pertaining to the proceedings in C.C.No. 125 of 2017 pending on the file of the Fast Track Court (Magisterial Level), Karur, and Quash the same.

Prayer in CRL OP(MD) No.6730 of 2017:

Petition is filed under Section 482 of the Code of Criminal Procedure praying to call for the records pertaining to the proceedings in C.C.No. 109 of 2017 pending on the file of the Fast Track Court (Magisterial Level), Karur, and Quash the same.

Prayer in CRL OP(MD) No.6731 of 2017:

Petition is filed under Section 482 of the Code of Criminal Procedure praying to call for the records pertaining to the proceedings in C.C.No. 57 of 2017 pending on the file of the Fast Track Court (Magisterial Level), Karur, and Quash the same.

Prayer in CRL OP(MD) No.6732 of 2017:

Petition is filed under Section 482 of the Code of Criminal Procedure praying to call for the records pertaining to the proceedings in C.C.No. 87 of 2017 pending on the file of the Fast Track Court (Magisterial Level), Karur, and Quash the same.

**Prayer in CRL OP(MD) No.6733 of 2017:**

Petition is filed under Section 482 of the Code of Criminal Procedure praying to call for the records pertaining to the proceedings in C.C.No. 122 of 2017 pending on the file of the Fast Track Court (Magisterial Level), Karur, and Quash the same.

Prayer in CRL OP(MD) No.6734 of 2017:

Petition is filed under Section 482 of the Code of Criminal Procedure praying to call for the records pertaining to the proceedings in C.C.NO.119 of 2017 pending on the file of the Fast Track Court(Magisterial Level) Karur, and QUASH the same.

Prayer in CRL OP(MD) No.6735 of 2017:

Petition is filed under Section 482 of the Code of Criminal Procedure praying to call for the records pertaining to the proceedings in C.C.NO.88 of 2017 pending on the file of the Fast Track Court(Magisterial Level) Karur, and QUASH the same.

Prayer in CRL OP(MD) No.6736 of 2017:

Petition is filed under Section 482 of the Code of Criminal Procedure praying to call for the records pertaining to the proceedings in C.C.NO. 86 of 2017 pending on the file of the Fast Track Court(Magisterial Level) Karur, and QUASH the same.

Prayer in CRL OP(MD) No.6737 of 2017:

Petition is filed under Section 482 of the Code of Criminal Procedure praying to call for the records pertaining to the proceedings in C.C.No. 110 of 2017 pending on the file of the Fast Track Court(Magisterial Level), Karur, and Quash the same.

Prayer in CRL OP(MD) No.6738 of 2017:

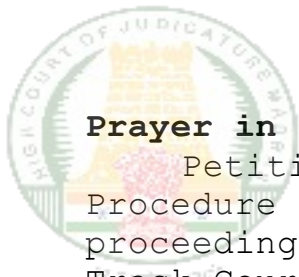
Petition is filed under Section 482 of the Code of Criminal Procedure praying to call for the records pertaining to the proceedings in C.C.No.114 of 2017 pending on the file of the Fast Track Court (Magisterial Level) Karur, and quash the same.

Prayer in CRL OP(MD) No.6739 of 2017:

Petition is filed under Section 482 of the Code of Criminal Procedure praying to call for the records pertaining to the proceedings in C.C.No.104 of 2017 pending on the file of the Fast Track Court (Magisterial Level) Karur, and quash the same.

Prayer in CRL OP(MD) No.6740 of 2017:

Petition is filed under Section 482 of the Code of Criminal Procedure praying to call for the records pertaining to the proceedings in C.C.No.101 of 2017 pending on the file of the Fast Track Court (Magisterial Level) Karur, and quash the same.

**Prayer in CRL OP(MD) No.6741 of 2017:**

Petition is filed under Section 482 of the Code of Criminal Procedure praying to call for the records pertaining to the proceedings in C.C.No.105 of 2017 pending on the file of the Fast Track Court (Magisterial Level) Karur, and quash the same.

WEB COPY

Prayer in CRL OP(MD) No.6742 of 2017:

Petition is filed under Section 482 of the Code of Criminal Procedure praying to call for the records pertaining to the proceedings in C.C.No.107 of 2017 pending on the file of the Fast Track Court (Magisterial Level) Karur, and quash the same.

Prayer in CRL OP(MD) No.6743 of 2017:

Petition is filed under Section 482 of the Code of Criminal Procedure praying to call for the records pertaining to the proceedings in C.C.No.102 of 2017 pending on the file of the Fast Track Court (Magisterial Level) Karur, and quash the same.

Prayer in CRL OP(MD) No.6744 of 2017:

Petition is filed under Section 482 of the Code of Criminal Procedure praying to call for the records pertaining to the proceedings in C.C.No.116 of 2017 pending on the file of the Fast Track Court (Magisterial Level) Karur, and quash the same.

For Petitioner : Mr.K.Kannan
in all petitioners.

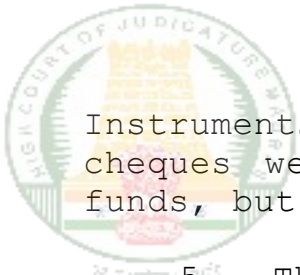
COMMON ORDER

For the sake of convenience, the parties will be referred to as the complainants and the accused.

2. The complainants in all these cases are Firms carrying on business in Auto Finance and the accused had borrowed monies to the tune of Rs.1 Crore (Rupees One Crore only), for which, the accused had also mortgaged his property. Towards the discharge of the liability, the accused had issued cheques to the complainants, which, when presented by the complainants, were dishonoured on the ground that the drawer signature differs. The complainants issued the necessary statutory notice and thereafter, they launched 38 prosecutions against the accused under Section 138 of the Negotiable Instruments Act before the learned Judicial Magistrate No.1, Karur, challenging which, these 38 quash applications have been filed.

3. Heard the learned counsel for the accused.

4. The learned counsel for the accused submitted that the cheques were issued only as security and that the accused had already mortgaged his properties with the complainants and, therefore, the prosecution under Section 138 of the Negotiable



Instruments Act cannot be maintained. He also submitted that the cheques were dishonoured not on the ground of insufficiency of funds, but, on the ground of signature differs.

5. This Court gave its anxious consideration to the submissions of the learned counsel for the accused.

6. As regards the first contention, the same cannot be considered in a quash application, in view of the law laid down by the Supreme Court in **S.Krishnamoorthy Vs. Chellammal reported in AIR 2015 SC 3182**, wherein, the Supreme Court has held that the disputed questions of fact cannot be gone into in a quash application and it is for the Trial Court to decide whether the cheques were issued only as security or towards the discharge of the liability.

7. As regards the second contention, this Court is of the view that for signing differently in 38 cheques, the accused may be liable for forgery, in view of Explanation-1 to Section 464 of the Indian Penal Code, which reads as follows:

"A man's signature of his own name may amount to forgery."

8. It is strange as to how the accused could sign differently in 38 cheques and give it to the complainants. Whether there was money in the account of the accused at the time of issuance of the cheques is also a question of fact which has to be decided only by the Trial Court.

9. In the result, these quash applications are misconceived and devoid of merits and accordingly, the same are dismissed. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To
The Fast Track Court (Magisterial Level),
Karur.

+1cc to M/S. K.KANNAN, Advocate, SR.No.59724.

Common Order made in
Crl.O.P.(MD)Nos.6487 and 6708 to 6744 of 2017
09.06.2017