



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.07.2017

CORAM:

**THE HONOURABLE MR.JUSTICE S.S.SUNDAR**

WEB COPY

CRL.O.P.(MD)No.8347 of 2017

and

CRL.MP.(MD)Nos.5645, 5646 of 2017

Prem Anand : Petitioner/Sole Accused  
-Vs-

P.Muthu : Respondent/Complainant

**PRAYER:** Petition is filed under Section 482 of the Criminal Procedure Code to call for the records in connection with the case in STC No.05 of 2017 on the file of the learned FAST Track (Magistrate Level), Karaikudi and quash the same.

For Petitioner : Mr.M.Solaisamy

For Respondent : Mr.K.Anbarasan  
Government Advocate (Crl.Side)

### **O R D E R**

This petition is filed seeking to quash the proceedings in S.T.C.No.05 of 2017 on the file of the learned Fast Track Court (Magistrate Level), Karaikudi.

2.Heard the learned counsel for the petitioner and perused the records.

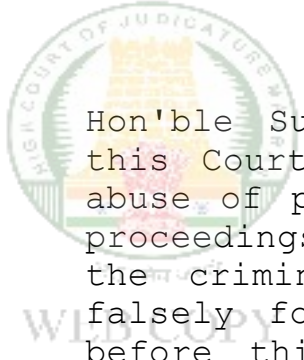
3. Based on the complaint of the respondent a case has been registered against the petitioner in S.T.C.No.05 of 2017 for the offence punishable under Section 138 of Negotiable Instruments Act, on the file of the learned Judge, Fast Track (Magistrate Level), Karaikudi.

4. Mr.M.Solaisamy, learned counsel for the petitioner would submit that the petitioner has been falsely roped in this case. Since the complaint is motivated it is liable to be quashed.

5. Per contra, the learned Government Advocate (Crl. Side), on instructions would submit that except the Investigating Officer, the other witnesses in this case have been examined and at this stage, the case need not be quashed.

<https://hcservices.ecourts.gov.in/hcservices/>

6.This Court has held in several cases that quashing of criminal case is not automatic. As per the guidelines of the



Hon'ble Supreme Court in Bhajanlal case, on several occasions, this Court has held that unless the criminal proceedings is an abuse of process of law, this Court will not interfere with the proceedings pending in the trial Court. This is not a case whether the criminal proceedings has been initiated with malafide or falsely for wrecking vengeance without cause. There is nothing before this Court to show that there is no prima facie case constituting the offence under Section 138 of NI Act, nor the criminal proceedings is an abuse of process of law.

7.Considering the rival submissions made by both sides and also the stage of the case, this Court is not inclined to quash the case in STC.No.5 of 2017. Hence, the criminal original petition is dismissed. However, the personal appearance of the petitioner in S.T.C.No.5 of 2017 is dispensed with and he is directed to appear before the trial court as and when his presence is required by the learned Judge, Fast Track (Magistrate Level), Karaikudi. Consequently, connected M.P.(MD).No.5645 of 2017 is dismissed.

Sd/-

Assistant Registrar(CS-II)

/True copy/

Sub Assistant Registrar

To

1.The FAST Track Judge(Magistrate Level),  
Karaikudi.

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

+1cc to Mr.M.Solaisamy, Advocate in SR.No.63834

das/PJL

AE/SV/SAR4/13.02.2017/2P/4C

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