

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.11.2018

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.27104 of 2018

and

Crl.M.P.Nos.15652 and 15656 of 2018

P.Senthilkumar : Petitioner / Accused

Vs.

M.P.Murugavel : Respondent / Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records to complaint in S.T.C.No.119 of 2017 on the file of the Judicial Magistrate, Arakkonam, Vellore District and quash the same.

For Petitioner : Mr.E.Vinoth Kumar

ORDER

This petition has been filed seeking to quash the proceedings in S.T.C.No.119 of 2017, pending on the file of the Judicial Magistrate, Arakkonam.

2.The petitioner is an accused in a complaint given by the respondent for an offence under Section 138 of Negotiable Instrument Act.

3.The learned counsel for the petitioner would submit that the cheque belonging to the petitioner has been taken by force and has been misused and complaint has already been given by the petitioner against the respondent and the same has been registered as an FIR by the Vengamedu Police Station, Karur District in Crime No.366 of 2017.

4.The issue that has been raised by the petitioner can be an effective defence before the court below in the 138 proceedings. It cannot be ground to quash the proceedings. Therefore, the petitioner is entitled to raise the defence before the Court below and the Court below shall consider the same on merits and in accordance with law. This Court does not want to interfere with the proceedings at this stage.

5. There shall be a direction to the Court below to complete the proceedings within a period of three months from the date of receipt of a copy of this order.

6. With the above direction, this Criminal Original Petition is disposed of. Consequently, Crl.M.P.Nos.15652 and 15656 of 2018 are closed.

Sd/-
Assistant Registrar(CCC)

//True copy//

Sub Assistant Registrar

vsg1/gsp

To

1. The Judicial Magistrate, Arakkonam, Vellore District.
2. Do - Through The Chief Judicial, Magistrate, Vellore
3. The Inspector, Vengamedu Police Station, Karur District.

+1cc to Mr.E.Vinoth Kumar, Advocate SR.No.79801

Crl.O.P.No.27104 of 2018
and

Crl.M.P.Nos.15652 and 15656 of 2018

KK(CO)

GMV(14/12/2018)

सत्यमेव जयते

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