



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.10.2018

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P.(MD)Nos.10918 and 10919 of 2015
and
M.P.(MD).Nos.1, 1, 2 and 2 of 2015

A.Senthil Kumar

... Petitioner/Petitioner in
both Petitions

Vs.

S.Priya

...Respondent/Respondent in both
Petitions

COMMON PRAYER: These Criminal Original Petitions are filed under Section 482 of the Code of Criminal Procedure, to quash the proceedings of S.T.C.Nos.194 and 195 of 2014, respectively, on the file of the learned Judicial Magistrate, Fast Track Court No.II, Madurai.

For Petitioner : Mr.A.Jeyaram
(in both petitions)

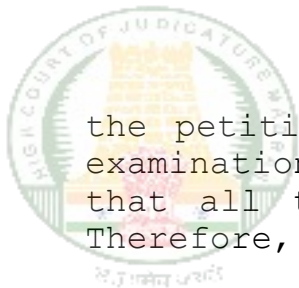
For Respondent : Mr.S.Palanivelayutham
(in both petitions)

COMMON ORDER

These Criminal Original Petitions have been filed to quash the criminal proceedings in S.T.C.Nos.194 and 195 of 2014, respectively, on the file of the learned Judicial Magistrate, Fast Track Court No.II, Madurai.

2. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent.

3. The learned counsel for the petitioner would submit that the present complaints, which are filed under Sections 138 and 142 of Negotiable Instrument Act given by the respondent herein. The learned Magistrate without verifying the original documents, the complaints have taken cognizance for the offences under Sections 138 and 142 of the Negotiable Instruments Act. He would further contend that without any original documents the complaints cannot be taken cognizance and also the respondent filed F.I.R stating that all the original documents have been lost by him. He would also contend that the signature in the cheque also differs from the signature of



the petitioner. Further, he would also contended that during the examination of P.W.1, he filed the First Information Report stating that all the documents have been lost by the counsel on record. Therefore, he prayed for quashing the criminal proceedings.

4. The learned counsel for the respondent/complainant would submit the trial has already been commenced and all the witnesses have been examined. Therefore, he prayed for dismissal of quash the criminal proceedings.

5. It is seen from the above submissions made by the learned counsel on either side, the trial has been commenced and P.W.1 has already been examined. During the trial, P.W.1/complainant marked the First Information Report alleging that the documents are missing from the Advocate Chamber. Further, the said F.I.R marked as Ex.P.5, before the trial Court. Further, the signature of the cheque questioned by the petitioner/accused is to be established before the trial Court through the trial. Therefore, this Court is not inclined to entertain these petitions to quash the criminal proceedings.

6. Accordingly, these Criminal Original Petitions are dismissed. Consequently, connected miscellaneous petitions are closed. However, the petitioner/accused is at liberty to raised all the grounds before the trial Court.

Sd/

Assistant Registrar(CO)

/True copy/

Sub Assistant Registrar(CS-III)

To

The Judicial Magistrate, Fast Track Court No.II, Madurai.

+1cc to Mr.A.JEYARAM, Advocate, SR.No. 91510

+1cc to Mr.S.Palanivelayutham, Advocate, SR.No.91187

Cr1.O.P.(MD)Nos.10918 and 10919 of 2015
and

M.P.(MD).Nos.1, 1, 2 and 2 of 2015

SJI

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