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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 25.10.2018
CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.(MD).No.4697 of 2014

and

M.P.(MD) Nos. 2 and 3 of 2014

D.Rajesh Anand

..Petitioner

Vs.

K.Prabakaran

..Respondent

PRAYER: This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to call for the records in STC No.306 of 2013 on the file of the Fast Track Court, Tanjavore, quash the proceedings against the petitioner.

For Petitioners: Prof.M.Udhayabhanu

For Respondent : No Appearance

ORDER

This quash petition is filed to quash the criminal proceedings in in STC No.306 of 2013 on the file of the Fast Track Court, Tanjavore having been taken cognizance for the offence under Section 138 of the Negotiable Instrument Act

2. The learned counsel for the petitioner would submit that the signature in the cheque differs as per the report of the banker. Therefore the cheque returned with an endorsement " In sufficient Funds and signed differ" At that scope for want of complaint under section 138 of Negotiable Instrument Act cannot be maintained. However, he would submit that a false case has been foisted against the petitioner.

3. It is seen from complaint that the cheque has been returned as insufficient funds and signed differs. For this reason the complaint can be very much maintainable as against the petitioner and this petition is filed to drag on the proceedings. Therefore this Court is not inclined to quash the proceedings in STC No.206 of 2013 on the file of the learned Judicial Magistrate, Fast Track Court, Thanjavur.

4. Accordingly the Criminal Original Petition is dismissed. However, considering the year of the case, the learned Judicial Magistrate, Fast Track Court, Thanjavur is directed to dispose of the case, within a period of six months from the date of receipt of a copy of this order. The petitioners are at liberty to raise



all the grounds before the trial Court. Consequently, connected miscellaneous petitions are closed.

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// True Copy //

Sd/-

Assistant Registrar (CS-II)

Sub Assistant Registrar(CS-III)

To

The Judicial Magistrate
Fast Track Court,
Thanjavur.

AAV

BU/SKN/SAR-III:23.11.2018 : 2P/2C

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and
M.P. (MD) Nos. 2 and 3 of 2014
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