



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.10.2018

WEB COPY

CORAM

THE HONOURABLE MR.JUSTICE **N.ANAND VENKATESH**

Crl.O.P(MD) No.13176 of 2016

and

Crl.M.P. (MD) Nos.6160 and 6161 of 2016

Varatharajan

... Petitioner

vs.

Padmanaban

...Respondent

Prayer: This Criminal Original filed under Section 482 of the Code of Criminal Procedure, to call for the records of S.T.C.No.270 of 2016 on the file of the Judicial Magistrate, Rameswaram, and quash the same.

For Petitioner : Mr.C.T.Perumal

For Respondent : Mr.M.Senthil Ayyanar

ORDER

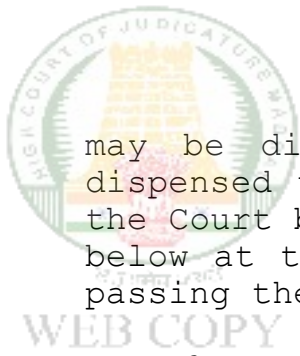
This criminal original petition has been filed to quash the proceedings in S.T.C.No.270 of 2016 on the file of the Judicial Magistrate, Rameswaram.

2.The learned counsel for the petitioner raised a legal issue to the effect that the demand notice has not been served on the respondent. The learned counsel for the petitioner brought to the notice of this Court the averments made in the complaint, wherein the complainant has stated that the legal notice was issued on 11.08.2015 and the same was returned as 'Door Locked'.

3.The learned counsel for the petitioner also brought to the notice of this Court sworn affidavit that was filed by him where, there is no reference to the issuance of notice to this petitioner.

4.The grounds raised by the petitioner falls within the realm of appreciation of evidence. It is open to the petitioner to raise the grounds before the Court below and the Court below shall consider the same on its own merits and in accordance with law.

5.The learned counsel for the petitioner would submit that the petitioner is living in Chennai and therefore, his appearance



may be dispensed with. The appearance of the petitioner is dispensed with and he shall be represented by an Advocate before the Court below. The petitioner shall be present before the Court below at the time of 313 Cr.P.C., questioning and at the time of passing the judgment.

6. In view of the above, this criminal original petition is dismissed. There shall be a direction to the Court below to complete the proceedings in S.T.C.No.270 of 2016 within a period of three months from the date of receipt of a copy of this order. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CRL SIDE)

// True Copy //

Sub Assistant Registrar (CS-IV)

To

1. The Judicial Magistrate,
Rameswaram.

+1 CC To MR.M.SENTHIL AYYANAR, Advocate SR. NO.90095

+1 CC To MR.C.T.PERUMAL, Advocate SR. NO. 90082

Cr1.O.P(MD) No.13176 of 2016
10.10.2018

MM

TR/PM/SAR-IV(08.11.2018) 2P 4C