



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.09.2018

CORAM:

WEB COPY

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

Crl.O.P.[MD] No.21708 of 2016

and

Crl.O.P. (MD) No.8431 of 2017

and

Crl.M.P. (MD) Nos.11162 and 11163 of 2016

in Crl.O.P.[MD] No.21708 of 2016

1.B.Dhanabalan

2.Malarvizhi : Petitioners

vs.

A.Prema : Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the complaint in STC No. 1091 of 2016 on the file of the learned Judicial Magistrate, Paramakudi, Ramanathapuram and quash the same as illegal.

For Petitioners : Mr.M.S.Ayyanar Premkumar
For Respondent : Mr.S.Muthumalairaja

in Crl.O.P.[MD] No.8431 of 2017

Prema : Petitioner

vs.

1.B.Dhanabalan

2.Malarvizhi : Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the Judicial Magistrate, Paramakudi to dispose of the case in S.T.C.No.1091 of 2016 within the period stipulated by this Court.

For Petitioner : Mr.S.Muthumalairaja
For Respondents : Mr.M.S.Ayyanar Premkumar

**COMMON ORDER**

These petitions have been filed to quash the complaint in STC No. 1091 of 2016 on the file of the learned Judicial Magistrate, Paramakudi, Ramanathapuram and to quash the proceedings in S.T.C.No.1091 of 2016 initiated by the respondents for an offence under Section 138 of Negotiable Instruments Act.

2.The learned counsel for the petitioners raised various factual grounds, which cannot be gone into by this Court in exercise of its jurisdiction under Section 482 Cr.P.C. All the grounds raised by the learned counsel for the petitioners, can be raised before the Court below in the pending proceedings and the same will be independently considered by the Court below on its own merits.

3.The learned counsel for the petitioners would submit that the second petitioner in CrI.O.P.[MD] No.21708 of 2016 is a Teacher and therefore, her presence should be dispensed with in the pending proceedings.

4.Accepting the said submission, the presence of the second petitioner shall be dispensed with during the pending proceedings and she will be represented by a counsel. The second petitioner shall be present before the Court below at the time of questioning under Section 313 of Cr.P.C., and at the time of passing a judgment.

5.The learned counsel representing the second petitioner shall cross examine the witnesses, on the same day, the witness is examined in chief.

6.The compliant is of the year 2016 and there shall be a direction to the learned Judicial Magistrate, Paramakudi, to complete the proceedings within a period of three months from the date of receipt of a copy of this order and report compliance to the Registry, immediately after completion of the proceedings.

7.These criminal original petitions are disposed of with the above direction. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (RTI)

// True Copy //

Sub Assistant Registrar(CS-IV)



To

1.The Judicial Magistrate,
Paramakudi.

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

+1 CC To MR.S.AYYANAR PREM KUMAR, Advocate SR. NO.86381

+1 CC To MR.S.MUTHUMALAI RAJA, Advocate SR. NO.86195

Cr1.O.P. [MD] No.21708 of 2016
and
Cr1.O.P. (MD) No.8431 of 2017

MM

TR/SV/SAR-IV(26.09.2018) 3P 5C