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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 10.10.2018
CORAM:
THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CrI.O.P. (MD) .No.6035 of 2016
and
CrIIMP (MD) Nos.2972 and 2973 of 2016

M.Poonguzhali

...Petitioner/Accused

Vs.

Malarvizhi

represented by its power agent

C.Vijaya Padmashini

...Respondent/Petitioner

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records in STC No.1166 of 2015 on the file of the Judicial Magistrate No.III, Thanjavur and quash the same.

For Petitioner

:Mr.R.Rajaraman

For Respondent

:Mr.C.Jeganathan

ORDER

This petition has been filed seeking to quash the proceedings in STC No.1166 of 2015 pending on the file of the Judicial Magistrate -III, Thanjavur.

2.The petitioner has filed this petition on the ground that the respondent is totally a stranger and there was no relationship between the petitioner and the respondent at any point of time. The other ground that has been raised by the petitioner raised by the petitioner is that the cheque leaves, which was misplaced by the petitioner, has been misused by the respondent. Immediately after the cheque leaves went missing, the petitioner had given 'stop payment' advice to the Bank. Therefore, the cheque that was presented by the respondent was returned on the ground of 'stop payment'.

3.The grounds that have been raised by the petitioners are factual in nature. This Court cannot go into the factual issues at the time of exercising its jurisdiction under Section 482 of CrPC.

4.It is left open to the petitioner to raise all these grounds before the Court below and the Court below shall consider the same on its own merits and in accordance with law.

5.In view of the above, the criminal original petition is dismissed. The case is pending from the year 2015, therefore, 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 copy of



this order and report compliance to the Registry immediately after completion of the proceedings. Consequently, connected miscellaneous petitions are closed.

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/True Copy/

Sd/-
Assistant Registrar(AS)

Sub Assistant Registrar(CS-III)

To

The Judicial Magistrate No.III,
Thanjavur.

Copy To:

The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court,
Madurai. **(2 Copies)**

+1CC to Mr.R.Rajaraman, Advocate, SR.No.89926

+1CC to M/s.Veera Associates, Advocate, SR.No.90089

Cr1.O.P.(MD).No.6035 of 2016
10.10.2018

DSK
ES/PM/SAR 3/08.11.2018/2P/6C