



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.10.2018

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.(MD)Nos.19070, 19071 & 19087 of 2018
and
Crl.M.P.(MD)Nos.8541, 8542 & 8563 of 2018

S.Pandian ... Petitioner/Accused in all petitions

Vs.

V.Muthusubramaniyan ... Respondent/Complainant in all petitions

COMMON PRAYER:- Petitions filed under Section 482 of Criminal Procedure Code seeking to call for the records pertaining to S.T.C.Nos.181, 180 & 191 of 2012, respectively, on the file of the Fast Track Court No.1 (Magisterial Level), Madurai and to quash the same.

For Petitioner : Mr.S.Thangaraj
(In all petitions)

COMMON ORDER

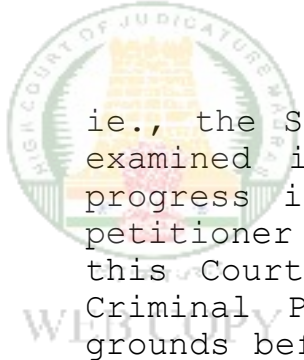
These Criminal Original Petitions are filed seeking to quash the impugned proceedings in S.T.C.Nos.181, 180 & 191 of 2012, respectively, on the file of the Fast Track Court No.1 (Magisterial Level), Madurai.

2. As the issue involved in all these criminal original petitions are similar in nature, they are disposed of by way of this common order.

3. The learned Counsel for the petitioner would submit that four cheques were received by the respondent for the purpose of sanctioning a loan to the petitioner. However, the loan was not sanctioned in favour of the petitioner. In the meantime, the petitioner was asked to execute a sale deed in favour of the brother-in-law of the respondent. The sale deed was also executed by the petitioner in favour of the brother-in-law of the respondent, who, in turn, executed a power of attorney in favour of the respondent. According to the learned Counsel for the petitioner, not a single pie was paid towards loan and the four cheques as well as the property that were given as security has now been misused by the respondent and his brother-in-law. Therefore, the learned Counsel for the petitioner would submit that the complaints pending before the Court below are a abuse of process of Court.

<https://hcservices.ecourts.gov.in/hcservices/>

4. It is seen from the records that the impugned proceedings,



ie., the STC is of the year 2012 and the respondent has also been examined in chief in the year 2012 itself. There has been no progress in this case. The grounds that have been raised by the petitioner are factual in nature and the same cannot be gone into by this Court in exercise of its jurisdiction under Section 482 of Criminal Procedure Code. The petitioner has to raise all these grounds before the Court below in the course of proceedings and the Court below shall consider the same on its own merits and in accordance with law.

5. The presence of the petitioner before the Fast Track Court No.1 (Magisterial Level), Madurai, in S.T.C.No.181 of 2012 is dispensed with and he shall be represented by a Counsel. However, the petitioner shall appear before the Court below at the time of questioning under Section 313 and at the time of passing of the judgment. The Counsel representing the petitioner shall cross-examine the witnesses on the date on which the witnesses are examined in chief. The petitioner shall not dispute the identity of the witnesses.

6. In the result, all the Criminal Original Petitions are dismissed and the Court below is directed to dispose of S.T.C.Nos.181, 180 & 191 of 2012, respectively, within a period of three months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petitions are closed.

Sd/

Assistant Registrar(Crl side)

/True copy/

Sub Assistant Registrar(CS-I)

To

The Fast Track Court No.1 (Magisterial Level),
Madurai.

+3cc to Mr.S.THANGARAJ, Advocate, SR.No.92286,92287,92285

Crl.O.P.(MD)Nos.19070, 19071 & 19087 of 2018
and

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GK

KK/RP/SAR-1/19.11.2018/2P-5C