



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.10.2018

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CrI.O.P.(MD) .No.7638 of 2016

and

CrIIMP(MD)Nos.3901 and 3902 of 2016

1.Guru Dhanusree Traders

Represented by K.N.Saraswathi

2.K.N.Saraswathi

...Petitioners

Vs.

Shree Vijayalakshmi Agre Seeds

Represented through Suresh Babu

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records and quash the complaint in STC No.92 of 2013 pending on the file of the Judicial Magistrate No.I, Dindigul.

For Petitioners : Mr.S.Sithirai Anandham

O R D E R

This petition has been filed seeking to quash the proceedings in STC No.92 of 2013 on the file of the Judicial Magistrate No.I, Dindigul.

2.The ground that has been raised by the petitioners is that the cheque was stolen from the petitioners and the same has been misused by the respondent. The petitioners had also given a complaint and the same is under investigation.

3.The petitioners have raised a further ground that no document was filed along with the complaint, in order to show that the respondent has sufficient finance to give loan to the extent of Rupees nine lakhs to the petitioners.

4.That apart, various factual aspects have also been raised in this quash petition. All the grounds that have been raised by the petitioners are factual in nature and the same can be raised only before the Court below.

5.This Court cannot conduct an enquiry based on the factual grounds that have been raised by the petitioner.



6.It is left open to the petitioners 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.

7.In view of the above, the criminal original petition is dismissed. The case is pending from the year 2013, 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.

Sd/-

Assistant Registrar (Writs)

/True Copy/

Sub Assistant Registrar (CS-II)

To

1. The Judicial Magistrate No.I,
Dindigul.
2. The Chief Judicial Magistrate,
Dindigul.

DSK

TE/SV/SAR-2 : 09/11/2018 : 2P/3C

Cr1.O.P.(MD) .No.7638 of 2016
10.10.2018