



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.09.2018

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CrI.O.P.(MD).Nos.16532 & 16533 of 2018

and

CrI.M.P.(MD).Nos.7310 to 7313 of 2018

1. The Sunrays Textiles Process Private Limited,
through its Director P.Rajasekar,
15, Bose Street, Sellur, Madurai-625 002.

2. P.Rajasekar

3. Mrs.Vaideki

... Petitioners/Accused
in both Petitions

Vs.

S.Soundararajan

... Respondent/Complainant
in both Petitions

COMMON PRAYER: Criminal Original Petitions filed under Section 482 of the Criminal Procedure Code, to call for the records connected with the complaints in S.T.C.Nos.837 and 838 of 2017, under Sections 138 r/w 142 of Negotiable Instruments Act, on the file of the learned Judicial Magistrate, FTC No.I, Madurai and quash the same as illegal.

For Petitioners : Mr.R.Alagumani

COMMON ORDER

These Criminal Original Petitions have been filed to quash the complaints in S.T.C.Nos.837 and 838 of 2017, under Sections 138 r/w 142 of Negotiable Instruments Act, on the file of the learned Judicial Magistrate, FTC No.I, Madurai.

2.The learned counsel appearing for the petitioners would submit that the respondent is well known to the petitioners and there was some business transaction between the parties. At that point of time, the petitioners had given cheques to the respondent as security and all these cheques are self signed cheques and the same has been misused by the respondent. That apart, the learned counsel appearing for the petitioners would submit that the earlier notices exchanged between the parties would clearly show that the respondent was retaining the self cheques issued by the

petitioners and the same was also admitted in the earlier notice.

3.This Court exercising its jurisdiction under Section 482 of Cr.P.C. has to merely look into the complaint and the documents filed along with it. The reliance placed by the petitioners on the earlier notices between the parties is the subject matter of evidence and the same can only be placed at the time of trial. Further representation made by the learned counsel appearing for the petitioners that a self cheque which was given as a security by the petitioners was misused, is also an issue which can be dealt with only at the time of trial. The petitioners are at liberty to raise all these grounds before the Court below at the appropriate stage and the Court below shall consider the same on its own merits and in accordance with law.

4.Taking into consideration the age of the petitioners, the presence of the petitioners before the learned Judicial Magistrate, Fast Track No.I, Madurai in S.T.C.Nos.837 and 838 of 2017 is dispensed with. However, they shall appear before the Court below at the time of questioning under Section 313 and at the time of passing of the judgment. The petitioners shall be represented by an Advocate and he shall cross-examine the witness the date on which the witness is examined in chief. The petitioners shall not dispute the identity of the witness. The second petitioner is directed to file an affidavit in that regard before the Court below.

5.The learned Judicial Magistrate, FTC No.I, Madurai, is directed to complete the proceedings in S.T.C.Nos.837 and 838 of 2017, within a period of four months from the date of receipt of a copy of this order.

6.These Criminal Original Petitions are disposed of with the above directions. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AD-I)

/True Copy/

Sub Assistant Registrar (CS-IV)

To

The Judicial Magistrate, FTC No.I, Madurai.

TSG

TE/SV/SAR-4 : 26/10/2018 : 2P/2C