



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.10.2018

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P. (MD) .No.17569 of 2018

and

Crl.M.P. (MD) Nos.7792& 7793 of 2018

Thalkayabeer

...Petitioner

Vs.

A.Amsath Raja

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Cr.P.C., to call for the records pertaining to the case in S.T.C.No.89 of 2017 pending before the Learned Judicial Magistrate, Natham, Dindigul District and quash the same.

For Petitioner

:Mr.S.Sivakumar

ORDER

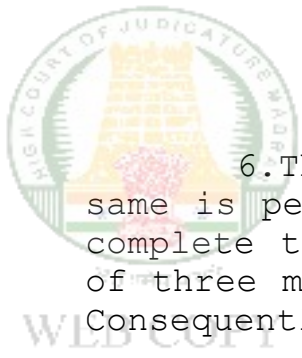
This Criminal Original Petition has been filed seeking to quash the proceedings in S.T.C.No.89 of 2017, pending before the Learned Judicial Magistrate, Natham, Dindigul District.

2.The learned Counsel for the petitioner brought to the notice of this Court that there was absolutely no transaction between the petitioner and the respondent and the cheque of the petitioner has been stolen and has been misused by the respondent and hence, a criminal complaint has been filed as against the petitioner.

3.The learned counsel for the petitioner also submitted that since the police complaint has been given in this regard, there is absolutely no debt or liability on the part of the petitioner and the complaint filed by the respondent is not maintainable in law.

4.The materials that have been relied upon by the petitioner and also the grounds that have been taken in this petition are matters for appreciation of evidence and this Court cannot do the same, while exercising its jurisdiction under Section 482 of Cr.P.C. All these grounds and materials will have to be placed before the Court below in order to enable the Court to appreciate the same and come to a conclusion.

5.This Criminal Original Petition is dismissed and the petitioner is permitted to raise all the grounds and also place all the materials in his favour before the Court below and the Court below shall consider the same on its own merits and decide the same.



6.The complaint has been filed in the year 2017 and the same is pending. There shall be a direction to the Court below to complete the proceedings in S.T.C.No.89 of 2017 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(AS)

/True Copy/

Sub Assistant Registrar(CS-IV)

To

The Judicial Magistrate, Natham,
Dindigul District.

Ls

VB/SV/SAR4/08.11.2018/2P/2C

Cr1.O.P. (MD) .No.17569 of 2018
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