



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.04.2018

CORAM:

THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

WEB COPY

Crl.O.P.(MD).No.17933 and 18195 to 18199 of 2013
andM.P(MD).Nos.2,2,2,2,2 and 2 3,3,3,3,3 & 3 of 2013 and
1,1,1,1 and 1 and 2 of 2014**Crl.O.P.(MD).No.17933 of 2013:**

N.Suresh

...Petitioner

Vs.

F.J.Shejin

...Respondent/De facto
Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code, to call for the records relating to the complaint in C.C.No.1312 of 2012 on the file of learned Judicial Magistrate (Fast Track Court No.I), Nagercoil and quash the same as illegal.

Crl OP(MD)Nos.18195 to 18199/13:

N.Suresh

...Petitioner/Accused
in all Crl Ops

-Vs-

M.Selvakumar

...Respondent Complainant in
Crl OP(MD)No.18195/13

A.Rajan

...Respondent/Complainant in
Crl OP(MD)No.18196/13

C.Manikandan

...Respondent/Complainant in
Crl OP(MD)No.18197/13

R.Krishnan

...Respondent/Complainant in
Crl OP(MD)No.18198/13

N.Velayutham

...Respondent/Complainant in
Crl OP(MD)No.18199/13

Prayer in Crl OP(MD)Nos.18195 to 18199/13:

Criminal Original Petitions filed under Section 482 of the Criminal Procedure Code to call for the records relating to the Complainant in CC Nos.591/12, 482/12, 826/12, 232/12, 1425/12 respectively on the file of the Judicial Magistrate (Fast Track Court No.1) Nagercoil and quash the same.

For Petitioner : Mr.T.Padmanabhan in all petitions

For Respondent : No appearance

in Crl OP(MD)Nos.17933,18195,
18197/13 & 18198/13

For Respondent : Mr.M.Suri in Crl OP(MD)No.18196/13

For Respondent : MR.M.Jegadeesh Pandian for
K.J.Associates in Crl OP(MD)No.18199/13

COMMON ORDER

These criminal original petitions have been filed for quashing the private complaints filed under Section 138 of Negotiable Instruments Act.

2.When the matter was taken up for hearing, the learned counsel appearing for the respondents/complainants pointed out that in all these cases trial has already commenced and that the witnesses have already been examined and some of the cases have been posted for examination of defence witness. Therefore, at this point of time, it is not possible for this Court to intervene in these proceedings, in exercise of its inherent jurisdiction to quash the proceedings. It is made clear that all the defences taken in the criminal original petitions are left open and it is for the petitioners to raise the same, during the trial. Since there are six cases and it will not be possible for the petitioner, to appear in all the cases every time, it is also made clear that the petitioner can as well represented through his counsel and he will have to appear at the time of examination under Section 313 Cr.P.C and also at the time of pronouncement of judgments. The relief of dispensing with the personal appearance alone, is granted in these cases. In other respects, Criminal Original Petitions are dismissed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CO)



To
The Judicial Magistrate (Fast Track Court No.I),
Nagercoil.

+1 cc to MR.M.JEGADEESH PANDIYAN, Advocate SR.No.63575

+2 cc to MR.T.PADMANABHAN, Advocate Sr.No.63255

+1 cc to MR.M.SURI, Advocate SR.No.63405

COMMON ORDER MADE IN
Crl.O.P.(MD).No.17933 and
18195 to 18199 of 2013
24.04.2018

SMA/SKN-RSK/29.05.2018:3P/5C