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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.01.2018

CORAM:

THE HONOURABLE MR. JUSTICE R.PONGIAPPAN

Cr1.O.P.No.2079 of 2013

and

M.P(MD) .Nos.2 and 3 of 2013

Francis Micheal @ Francis Micheal Selva ...Petitioner/Accused

Vs.

Murugan

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to call for the records relating to the Complaint in C.C.No.492 of 2009 on the file of the Judicial Magistrate Tenkasi and quash the same.

For Petitioner : Mr.Eddy and Emboss

For Respondent : Mr.A.Haja Mohideen

O R D E R

This Criminal Original petition has been filed to quash the proceedings in C.C.No.492 of 2009 on the file of the Judicial Magistrate, Tenkasi.

2.The learned counsel appearing for the petitioner is present and the learned counsel appearing for the respondent is absent.

3.The learned counsel for the petitioner contented that the cheque issued by the petitioner in favour of the respondent is not legally enforceable in terms of proviso to Section 138 of Negotiable Instruments Act and he further contented that the entire transaction is under Sections 23 and 24 of Indian Contract Act. The other contention raised by the petitioner before this Court is that the learned Judicial Magistrate, Thenkasi is not having any territorial jurisdiction in C.C.No.492 of 2009.

4.On considering the contention raised by the petitioner, being the accused in the above said case, is having right to file an application before the concerned Magistrate to stop proceedings. Without following the said proceedings, the petitioner straight away filed this Criminal Original Petition, which is pending from 2013 onwards. Section 482 of Cr.P.C. has to be used by this Court only in extraordinary circumstances,

5.In view of the reasons stated above, this Court is not inclined to entertain this Criminal Original Petition. <https://hccservicesonline.in/hccservices/> This Criminal Original petition is dismissed. The learned Judicial Magistrate, Tenkasi is directed to dispose of the case in C.C.No.492 of 2009 within a period of three months from



the date of receipt of a copy of this order. Consequently,
connected M.Ps. are closed.

Sd/-

Assistant Registrar (AS)

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Sub Assistant Registrar

To

The Judicial Magistrate,
Tenkasi.

SMI/CP

VB/MR/SAR1/19/01/2018/2P/2C

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