



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.04.2018

CORAM

THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

Cr1.O.P.(MD)No.22058 of 2013

and

M.P(Md) .Nos. 2 & 3 of 2013

and

Cr1.O.P(MD) .No. 22059 of 2013

and

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

Cr1.O.P.(MD)No.22058 of 2013

A.Usha

... Petitioner/Accused

Vs.

Nachiappan

... Respondent/Complainant

Cr1.O.P.(MD)No.22059 of 2013

M.Anandaraj

... Petitioner/Accused

Vs.

Nachiappan

... Respondent/Complainant

PRAYER in Cr1.O.P(MD) .No.22058 of 2013: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to S.T.C.No.199 of 2013 on the file of the learned Judicial Magistrate No.II, (Fast Track Court), Madurai filed by the respondent and quash the same as illegal.

PRAYER in Cr1.O.P(MD) .No.22059 of 2013: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to S.T.C.No.200 of 2013 on the file of the learned Judicial Magistrate No.II, (Fast Track Court), Madurai filed by the respondent and quash the same as illegal.

In Both Cr1.O.Ps

**COMMON ORDER**

These Criminal Original Petitions have been filed for quashing the proceedings in S.T.C.Nos.199 and 200 of 2003 on the file of the Judicial Magistrate No.II, (Fast Trac Court), Madurai.

2.The petitioners seek to quash these complaints on the ground that the cheques in question were issued as a matter of security. The learned counsel appearing for the petitioners relied on the decision of the Hon'ble Supreme Court reported in A.I.R 2006 SC 3366 in this regard.

3.This Court is of the view that this defence will have to be established before the trial and it is not a ground for quashing. It is open to the petitioner to raise all the defences before the Trial Magistrate. However, the personal appearance of the petitioners in the trial is dispensed with. They shall appear before the trial Court as and when required.

4.With the above observations, these Criminal Original Petitions are disposed of. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

To

The Judicial Magistrate No.II
(Fast Track Court), Madurai.

+ 2 CC TO Mr.C.KISHORE, ADVOCATE IN SR No. 60768

MSA

TE/JC/SAR-3 : 02/05/2018 : 2P/4C

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