

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:01.02.2019

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.2813 of 2019
and
Crl.M.P.Nos.1837 and 1838 of 2019

B.Kalaivanan

...Petitioner/Accused

vs.

M/s.Sree Gokulam Chits and Finance Company (P) Ltd.,
Rep by its Authorized Person,
P.Kaliyappan,
Having Regional office at,
No.59/1-A, 1st Floor,
Mayanoor Main Road,
Near ARRS Multiplex,
Salem - 636 004.

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, to call for the records pertaining to the proceeding in S.T.C.No.1199 of 2017 on the file of the learned Judicial Magistrate No.II, Salem and quash the same.

For Petitioner : Mr.S.Suresh

ORDER

This petition has been filed seeking to quash the proceedings in S.T.C.No.1199 of 2017 on the file of the learned Judicial Magistrate No.II, Salem, it has been initiated by the respondent under Section 138 of the Negotiable Instruments Act.

2. The learned counsel for the petitioner placed various materials in order to establish the fact that the petitioner has repaid back the amount and that the cheque has been misused by the respondent and 138 complaint has been initiated before the Court below. The entire materials that have been placed reliance by the petitioner has to be considered only during the course of the trial before the Court below. This Court cannot take cognizance of these materials in exercise of its

jurisdiction under Section 482 of Cr.P.C. The petitioner is permitted to place all the issues and also the materials before the Court below and the Court below shall consider the same on its own merits and in accordance with law. This Court does not want to interfere with the proceedings at this stage.

3. The learned counsel for the petitioner requested this Court to dispense with the appearance of the petitioner before the Court below. The presence of the petitioner shall be dispensed with and he shall appear before the Court at the time of questioning under Section 313 of Cr.P.C and at the time of passing of the judgment. The counsel representing the petitioner shall cross examine the witnesses on the same day, they are examined in chief.

4. This Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings within a period of three months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petitions are closed.

ub/ssr

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Judicial Magistrate No.II,
Salem.

+1cc to Mr.S.Suresh, Advocate, SR.NO.9046

Cr1.O.P.No.2813 of 2019
and

Cr1.M.P.Nos.1837 and 1838 of 2019

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