

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.4346 of 2019

and

Crl.MP. Nos. 2611 & 2612 of 2019

P.Murugan

... Petitioner/Accused

Vs.

Senguttuvan

... Respondent/Complainant

PRAYER : Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records relating to the C.C.No.185 of 2018 on the file of the Judicial Magistrate, Sulur and quash the same.

For Petitioner : Mr.G. Cenil

For Respondent : No Appearance

ORDER

This Criminal Original Petition has been filed to call for the records relating to the C.C.No.185 of 2018 on the file of the Judicial Magistrate, Sulur and quash the same.

2. The case of the petitioner is that he employed the respondent as a casual worker in his granite unit to see after his banking transactions, payments of bills and salary to lorry drivers. After the respondent left the job, he sent a notice to the petitioner, demanding Rs.2,00,000/- stating that the petitioner borrowed the said amount from the respondent after giving a cheque bearing no. 225550 and the cheque was returned. The petitioner on verification, found that the along with above cheque no. 225550, many other cheques were found missing. Hence the petitioner has lodged a complaint before the Inspector of Police, Mathikon Palayam, Dharmapuri, which was registered in C.S.R. No 210 of 2016. The respondent has also filed a case in C.C. No. 185 of 2018 under Section 138 of N.I Act against the petitioner before the Judicial Magistrate, Sulur. The

petitioner has not committed any crime punishable under Section 138 and 142 of NI Act or any other act and it is the respondent, who is liable for theft and criminal misappropriation of taking the cheques from the petitioner. Hence, to quash the proceedings in C.C. No. 184 of 2018, the present petition has been filed.

3. Heard Mr. G. Cenil, learned counsel for the petitioner. Though notice has been served to the respondent, none appears on his behalf. Perused the documents available on record.

4. On perusal of records and on considering the submissions made by the learned counsel for the petitioner this court finds on merits in the petition to allow the prayer sought for by the petitioner. Further this Court is of the view that the points raised by the learned counsel for the petitioner before this Court are to be raised only before the trial Court.

5. In view of the above, the present petition is dismissed. Consequently, connected Miscellaneous Petitions are closed.

6. However, considering the age of the petitioner, the personal appearance of the petitioner is dispensed with and he shall be represented by a counsel after filing appropriate application. The petitioner shall be present before the Court at the time of furnishing of copies, framing charges, questioning under Section 313 Cr.P.C. and at the time of passing judgment. The trial Court is directed to complete the trial within a period of six months from the date of receipt of a copy of this order.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

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To
The Judicial Magistrate,
Sulur.

+1 cc to Mr.G.Cenil, Advocate, Sr.No. 26021

CrI.O.P.No.4346 of 2019
and CrI.MP. Nos. 2611 & 2612 of 2019

SR(CO)
CSL/27.04.2019