



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.11607 of 2019 and
Crl.M.P.No.5993 of 2019

G.Kandhan Raj

...Petitioner/Accused

-Vs-

Prabhakaran

... Respondent/Complainant

Prayer:

Criminal Original Petition filed under Section 482 of Cr.P.C. praying to call for the records of the C.C.No.68 of 2019 on the file of the District Munsiff cum Judicial Magistrate at Thirukalukundram, Kancheepuram and using inherent power vested with it under Section 482 Cr.P.C. to quash the same.

For Petitioner : Mr.G.Dakshinamurthy

ORDER

This Criminal Original Petition has been filed to quash the proceedings in C.C.No.68 of 2019 on the file of the District Munsiff cum Judicial Magistrate at Thirukalukundram, Kancheepuram, having been taken cognizance for the offences punishable under Section 138 r/w Section 141 of Negotiable Instruments Act.

2. The learned Counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submits that the petitioner is no way connected with the defacto complainant and he is completely a stranger to the complainant. Further he submits that there is no detail about the presentation of cheque and return of cheque in the complaint. He further submits that he also produced statement of accounts in which there is no endorsement about the alleged cheque stated to have been presented for collection and the same was returned as averred in the complaint. Therefore, he prayed for quashment of the entire proceedings in C.C.No.68 of 2019.

3. Heard the learned counsel for the petitioner.



4. It is seen that the points raised by the petitioner cannot be considered by this Court under Section 482 Cr.P.C. All the points involved in this petition are question of facts. Those points can be considered only by the trial court during the trial. Therefore, this Court finds no merits in this petition. However, considering the facts and circumstances of the case, the trial Court is directed to complete the trial proceedings within a period of six months from the date of receipt of copy of this Order.

5. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

lok

To

The District Munsiff cum
Judicial Magistrate at Thirukalukundram,
Kancheepuram

Cr1.O.P.No.11607 of 2019

CS/27/06/2019