

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 26.04.2019

CORAM:
THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.11397 of 2019
and
Crl.M.P.Nos.5881 & 5882 of 2019

M.Gopalakrishnan

...Petitioner

-Vs-

M/s.Sathyam Homes Private Limited,
First Floor, No.8/11, Sharmila Street,
Kamakshi Colony,
Tambaram Sanatorium, Chennai-600 047
Duly Represented by its Managing Director,
R.Kannan Nandakumar

... Respondent

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to call for the records and quash the proceedings pending against the petitioner in S.T.C.No.2577 of 2018 on the file of Judicial Magistrate Court, Tambaram.

For Petitioner : Mr.C.Shankar

ORDER

This Criminal Original Petition has been filed to quash the proceedings in S.T.C.No.2577 of 2018 on the file of Judicial Magistrate Court, Tambaram, having been taken cognizance for the offences punishable under Sections 138 and 142 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 in the complaint. He further submits that the cheques were issued as security purpose and in respect of the same arbitration proceedings was also initiated by the defacto complainant. Hence it is completely civil in nature and there is a construction agreement between the petitioner and the defacto complainant. Therefore, the alleged cheques were not issued for any legally enforceable debt. Hence he prayed to quash the proceedings in S.T.C.No.2577 of 2018.

3. Heard the learned counsel appearing for the petitioner.

4. On perusal of the documents, it is seen that the points raised by the petitioner are question of facts and therefore all the grounds raised by the petitioner cannot be considered by the Court under Section 482 Cr.P.C. All the points raised by the petitioner can be raised before the trial court and it can be considered only during the trial.

5. In view of the above discussions, this petition is devoid of merits and this Criminal Original Petition is dismissed. However, considering the facts and circumstances of the case, 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. Also, the petitioner is at liberty to raise all the above grounds before the trial court. Further, considering the case is of the year 2018, 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. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

lok

To

The Judicial Magistrate Court,
Tambaram

+lcc to Mr.C.Shankar, Advocate, S.R.No.40543

CP(CO)

RRS (27/06/2019)

सत्यमेव जयते Cr1.O.P.No.11397 of 2019

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