

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.10.2019

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.25828 of 2018

and

Crl.M.P.Nos.14776 & 14777 of 2018

G.Kumaresan

...Petitioner

Vs

M/s.Daimler Finance Services India Pvt.Ltd.,
Having its Registered Office,
Unit 202, 2nd Floor, Campus 3B,
RMZ Millennia Business Park,
No.143, Dr.M.G.R.Road,
Perungudi,
Chennai - 600 096
Rep by its Legal Executive,
Mr.K.Ramakrishna

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C., to call for the entire records relating to the complaint in C.C.No.2040 of 2018 on the file of the Fast Track Metropolitan Magistrate - I, Allikulam, Egmore Chennai and quash the same.

For Petitioner : Mr.R.Chandramohan

O R D E R

This Criminal Original Petition has been filed seeking to quash the complaint in C.C.No.2040 of 2018 on the file of the Hon'ble Fast Track Metropolitan Magistrate - I, Allikulam, Egmore Chennai.

2.Heard Mr.R.Chandramohan, learned Counsel appearing for the petitioner.

3.Though notice has been served on the respondent and their name printed in the cause list, none appeared on their behalf. As such, it can only be presumed that the respondent has no remarks to offer.

4.This is a case, where the petitioner has come out with a stand that the impugned cheque involved in the proceedings under

Section 138 of the Negotiable Instruments Act was not issued by him and as such, the complaint itself is not maintainable.

5. In my view, the appropriate remedy would be to grant liberty to the petitioner to establish this fact at the time of trial before the learned Magistrate.

6. In the light of the above observations, there shall be a direction to the learned Fast Track Metropolitan Magistrate - I, Allikulam, Egmore, Chennai to expedite the proceedings in C.C.No.2040 of 2018 and complete the same, as expeditiously as possible, in any event, within a period of three months from the date of receipt of a copy of this order.

7. Accordingly, the Criminal Original Petition stands disposed of. Consequently, connected miscellaneous petitions are closed.

-s/d-

Assistant Registrar (CS-I)

True Copy

Sub-Assistant Registrar

jas/hvk

To

1. The Fast Track Metropolitan Magistrate - I,
Allikulam, Egmore,
Chennai.

2. The Public Prosecutor,
High Court of Madras.

+1 CC to Mr. R. Chandramohan, Advocate sr 85720.

सत्यमेव जयते

CrI.O.P.No.25828 of 2018
and

CrI.M.P.Nos.14776 & 14777 of 2018

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VGI (CO)
SP(11/11/2019)