



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.04.2019

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P. (MD)No.5671 of 2019

and

Crl.M.P. (MD)Nos.3561 and 3562 of 2019

Kodeeswari

... Petitioner

Vs.

S.Palani

... Respondent

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C, to call for the records pertaining to the S.T.C.No.363 of 2016, on the file of the learned Judicial Magistrate V, Tirunelveli and quash the proceedings as against the petitioner herein.

For Petitioner : Mr.K.Neethimohan

O R D E R

This petition has been filed to quash the proceedings in S.T.C.No.363 of 2016, on the file of the learned Judicial Magistrate No.V, Tirunelveli.

2.The case of the prosecution is that the respondent/defacto complainant is a member in the chit company run by the petitioner. The respondent/defacto complainant joined in a chit group of Rs.10,000/- to be paid for forty months. After maturity, the petitioner issued a cheque bearing No.609775 in favour of the respondent/defacto complainant. When the respondent/defacto complainant presented the cheque for collection, the same was dishonoured. The respondent/defacto complainant issued legal notice to the petitioner. Since the petitioner did not reply to the said legal notice, the respondent/defacto complainant filed S.T.C.No.353 of 2016, on the file of the learned Judicial Magistrate No.V, Tirunelveli. The petitioner filed this petition to quash the proceedings.

3.The learned counsel appearing for the petitioner submitted that it is purely a chit transaction. The respondent/defacto complainant instead of filing a petition before the Civil Court, he has filed this petition.

4.Considering the facts and circumstances of the case, this Court is not inclined to interfere with the the ongoing proceedings in S.T.C.No.363 of 2016 at this stage. Accordingly, this Criminal Original Petition is dismissed.



5. At this juncture, the learned counsel for the petitioner requests that the personal appearance of the petitioner before the trial Court may be dispensed with.

6. Acceding the request made by the learned counsel for the petitioner, the personal appearance of the petitioner before the trial Court is dispensed with on condition that he shall be present for receiving charge sheet, for answering the charges, at the time of questioning under Section 313 Cr.P.C., and at the time of passing judgment. However, the petitioner is directed to give an undertaking in the form of affidavit that the counsel representing him will cross examine the prosecution witnesses on the day they are examined in chief. The petitioner shall not dispute the identity of the witnesses. Consequently connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

Sub Assistant Registrar (CS)

To:
The Judicial Magistrate No.V,
Tirunelveli.

+1 CC to Mr.K.NEETHIMOHAN, Advocate SR-61716.

**Cr1.O.P. (MD) No.5671 of
2019
16.04.2019**

CS/ /SAR/18.07.2019/ 2P/ 3C