



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.09.2019

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.(MD)No.655 of 2018

and

Crl.M.P.(MD)No.279 of 2018

K.Veerasamy

...Petitioner /Accused

-Vs-

P.Krishnamoorthy

... Respondent/Complainant

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to quash the case in S.T.C.No.1284 of 2013 on the file of learned Judicial Magistrate No.V, Tiruchirapalli.

For Petitioner

: Mr.S.Rajeshkanna

For Respondent

: Mr.G.Rajaraman

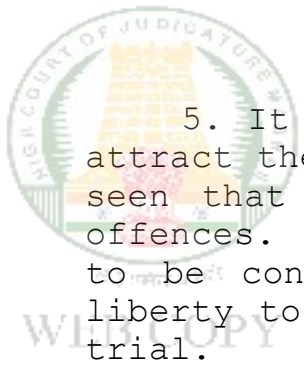
O R D E R

This Criminal Original Petition has been filed to quash the case in S.T.C.No.1284 of 2013 on the file of learned Judicial Magistrate No.V, Tiruchirapalli.

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. Without any base, the respondent lodged a false complaint, under Section 138 of the Negotiable Instruments Act, against the petitioner herein and the same was taken on file in S.T.C.No.1284 of 2013 on the file of learned Judicial Magistrate No.V, Tiruchirapalli. Hence he prayed to quash the same.

3.The learned counsel for the respondent/Complainant would submit that there are specific allegations as against the petitioner to attract the offence under Section 138 of the Negotiable Instruments Act. He further submitted that now the trial commenced and P.W.1 already examined and all the points raised by the petitioner have to be considered only during the trial. Therefore, he prayed to dismiss this petition.

4. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent.



5. It is seen from the charge there are specific averments to attract the offences as against the petitioner. Further it is also seen that there are materials to connect the petitioner to the offences. More over all the points raised by the petitioner have to be considered only during the trial. The petitioner is at liberty to raise all the points before the Court below during the trial.

6. In view of the above discussion, this Court is not inclined to quash the proceedings in S.T.C.No.1284 of 2013. However, considering the case is of the year 2013, the learned Judicial Magistrate No.V, Tiruchirapalli, is directed to complete the entire trial proceedings in S.T.C.No.1284 of 2013 within a period of three months from the date of receipt of copy of this Order.

7. With the above observations, this Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (P&A)

// True Copy //

Sub Assistant Registrar (CS)

Ls

To

The Judicial Magistrate No.V,
Tiruchirapalli.

+1 CC to M/s.G. RAJARAMAN, Advocate (SR-85063[F] dated 04/09/2019)

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