



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.12.2019

CORAM:

THE HONOURABLE **MR. JUSTICE A.D. JAGADISH CHANDIRA**

Crl.O.P. (MD) No.18687 of 2019

and

Crl.M.P. (MD) Nos.10962 and 10963 of 2019

1. M.s.Gateway Freight Forwarders
By its proprietor
Shantikumar

2. Shantikumar : Petitioners

Vs.

R.Thirumalaikumar : Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records pertaining to the complaint in CC No. 41 of 2019 on the file of the learned Judicial Magistrate, Fast Track Court (Magistrate Level) Thoothukudi and quash the same.

For Petitioners : Mr.A.R.L. Sunderasan, Senior Counsel
for Mr.S.Ravi

ORDER

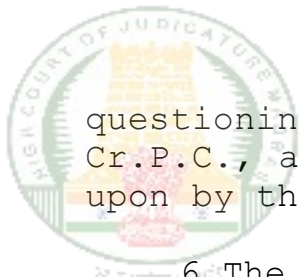
This Criminal Original Petition has been filed to quash the complaint in CC No. 41 of 2019 on the file of the learned Judicial Magistrate, Fast Track Court (Magistrate Level) Thoothukudi

2.The learned counsel appearing for the petitioners would submit that the cheques of the petitioners have been mis used and that there is absolutely no material to show that the sum of Rs.12,00,000/- was given by the complainant to the petitioners

3.This Court is of the view that all the grounds can be raised before the trial Court and there is no merit in the quash petition.

4. At this juncture, the learned counsel appearing for the petitioners prayed that the personal appearance of the petitioners before the trial Court, may be dispensed with.

5.Accepting the said submission, the presence of the petitioners before the trial Court shall be dispensed with on condition that they shall be present on the first day of appearance on the date fixed for receiving the copies, initial



questioning, reply to charges and questioning under Section 313 of Cr.P.C., and at the time of passing judgment and whenever insisted upon by the trial court.

6.The petitioners are further directed to give an undertaking in the form of affidavit that they will be duly represented by a counsel on all hearing dates and that the Counsel representing them will cross examine the prosecution witnesses on the same day they are examined in chief. The petitioners shall not dispute the identity of the witnesses. The petitioners shall appear before the Court in the event their presence is insisted by the trial judge for the purpose of identification and progress of trial. If the petitioners adopts any dilatorial tactics, it is open to the Trial Court to insist for their appearance and deal with the petitioners in accordance with the judgment of Supreme Court of India, ***in State of Uttar Pradesh Vs. Shambunath Singh***, reported in **2001 (4) SCC 667**.

7.Accordingly, this Criminal Original Petition dismissed. Consequently, connected Miscellaneous Petition in Crl.M.P(MD) No. 10962 of 2019 stands closed and Crl.M.P(MD) No.10963 of 2019 stands ordered.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

aav

To

The Judicial Magistrate,
Fast Track Court(Magistrate Level) Thoothukudi

+1 CC to M/s.R.SELVI, Advocate (SR-104817[F] dated 13/12/2019)

Crl.O.P. (MD)No.18687 of 2019
and

Crl.M.P. (MD)Nos.10962 and 10963 of 2019

12.12.2019

KM/ (22.01.2020) 2P 3C