

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 10.03.2020

CORAM

THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No. 24716 of 2017

and

Crl.M.P. No.14282 of 2017, 5308 & 5310 of 2019

V.Sree Kumar

... Petitioner

Vs

M/s. Nex Tech Engineering India Pvt. Ltd.,
No.24, Lakshmi Nagar, Near Sumathi Theater,
Sriperumbudur, Kanchipuram - 602 105
Represented by Executive - ADMN
Authorised signatory M.Rosy

... Respondent

PRAYER: Criminal Original Petitions filed under Section 482 of Cr.P.C, praying to call for the records pertaining to the proceedings in C.C. No. 2154 of 2014 on the file of the District Munsif cum Judicial Magistrate at Sriperumbudur and quash the same.

For Petitioner : Mr.S.Ramajayam

For Respondent : Mr.R.Prabakaran

ORDER

सत्यमेव जयते

This petition has been filed to quash the proceedings initiated by the Respondent under Section 138 of the Negotiable Instruments Act, 1881 in C.C.No.2154 of 2014 on the file of the District Munsif cum Judicial Magistrate Court, Sriperumbudur.

2. The only contention raised by the learned Counsel for the Petitioner is that the Petitioner while he was joining as a Senior Manager in the Respondent Company, a cheque was issued to the employer namely the respondent herein as security. Thereafter, he was terminated by the Respondent Company on 10.06.2014 and the said cheque was deposited by the Respondent to initiate proceedings under Section 138 of Negotiable

Instruments Act, 1881. On a perusal of the reply notice dated 04.09.2014, there is no whisper about the contention raised by the learned counsel for the Petitioner, whereas in the reply notice, the Petitioner has stated that he has never borrowed any amount as alleged in the complaint to the tune of Rs. 37,00,000/-.

3. Therefore, on the ground raised by the Petitioner, the question of fact cannot be considered by this Court under Section 482 of Cr.P.C. Therefore, the quash petition is dismissed.

4. In view of the above discussion, this Court is not inclined to quash the proceedings in C.C. No. 2154 of 2014 on the file of the District Munsif cum Judicial Magistrate Court, Sriperumbudur. The petitioner is at liberty to raise all the grounds before the trial Court.

5. Considering the facts and circumstances of the case, the personal appearance of the petitioner is dispensed with. His case shall be represented by the counsel after filing appropriate application. However, 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. The trial Court is directed to complete the trial within a period of 3 months from the date of receipt of copy of this Order.

6. Accordingly, this criminal original petition is dismissed. Consequently, connected Miscellaneous Petitions are also closed.

सत्यमेव जयते

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

arb/drl

To

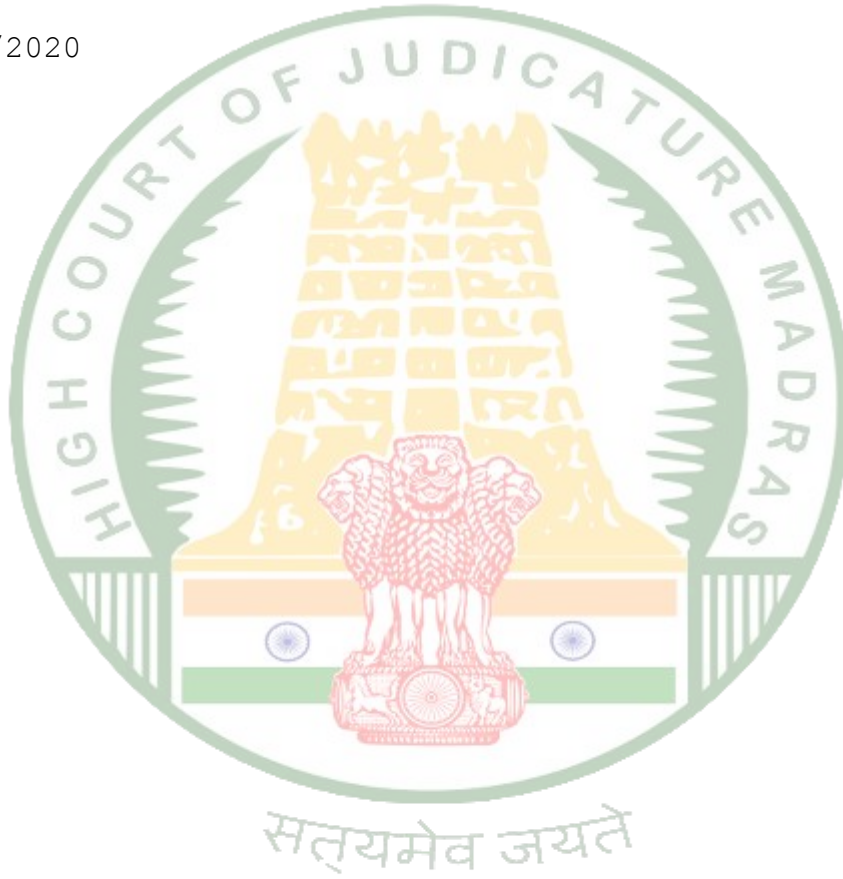
1. The District Munsif cum Judicial Magistrate,
Sriperumbudur.

2. The Public Prosecutor,
High Court,
Madras.

+1cc to Mr.R.Prabakaran, Advocate, S.R.No.20993
+1cc to Mr.S.Ramajayam, Advocate, S.R.No.21278

Cr1.O.P. No. 24716 of 2017

SVI (CO)
KKV/18/06/2020



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