



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.02.2020

CORAM:

THE HONOURABLE MR. JUSTICE A.D. JAGADISH CHANDIRA

Crl.O.P.(MD).No.3243 of 2020

and Crl.M.P.(MD).No.1711 of 2020

WEB COPY

1.M/s.Taj Travels

Rep. by its Proprietor,

M.Abdul Abbas,

67/2B, Hospital Street,

Thuvarankurichi. Marungapuri (Taluk),

Trichy District.

2.N.Abdul Abbas

...Petitioners/Accused 1&2

Vs.

M/s.Muthoot Forex Ltd.,

Having Branch Office at

1st Floor, Vysilling Arcade,

E.V.R. Road, Puthur,

Tiruchirapalli - 620 017.

Rep. by its Chief Managar,

Authorized Signatory,

K.Mohan

... Respondent/Complainand

PRAYER: This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to call for the entire records pertaining to the proceedings in C.C.No.655 of 2019 on the file of the Judicial Magistrate Court No.II, Tiruchirapalli and quash the same.

For Petitioner : Mr.M.Pitchai Muthu
For M/s.E.Kasthuri

O R D E R

The Criminal Original Petition has been filed to quash the proceedings in C.C.No.655 of 2019 on the file of the Judicial Magistrate Court No.II, Tiruchirapalli as against the petitioners.

2. The learned counsel appearing for the petitioners would submit that in respect of very same claim, the respondent/complainant has filed a civil suit against the petitioner and also against one Joseph who is employee of the complainant. Hence, he prays to quash the proceedings.

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. 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 Petitions are closed.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

ksa

To

The Judicial Magistrate, No.II,
Trichy.

+1 CC to M/s.M.PITCHAIMUTHU, Advocate(SR-8476[F] dated 26/02/2020)

Crl.O.P.(MD).No.3243 of 2020
24.02.2020

CN(13.05.2020) 2P 3C

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