



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: **05.02.2020**

CORAM:

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.(MD)No. 6354 of 2019

and Crl.M.P.(MD)Nos. 4198 & 4199 of 2019

WEB COPY

Mahalakshmi : Petitioner/Sole accused
Vs.
Karthikeyan : Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to quash the proceedings in C.C. No. 1386 of 2016 on the file of the learned Judicial Magistrate, Ambasamudram and quash the same as illegal.

For Petitioner : Mr.T. Lenin Kumar
For Respondent : Mr.S. Satheesh Kumar

ORDER

This Criminal Original Petition is filed to quash the proceedings in C.C.No. 1386 of 2016 on the file of the learned Judicial Magistrate, Ambasamudram.

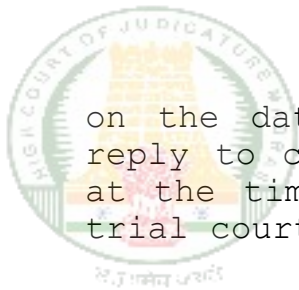
2. The learned counsel appearing for the petitioner would submit that the cheque itself was only valid to fill up the amount of Rs.5 lakhs whereas the respondent had filled up the cheque for a sum of Rs. 9 lakhs and presented the same and hence, sought for quashment of the proceedings in C.C. No. 1386 of 2016.

3. The learned counsel appearing for the respondent would submit that it is a matter for evidence whether the petitioner has filled up the cheque and issued in favour of the respondent/complainant. He would further submit that when the petitioner has admitted having issued the cheque, he cannot claim that the amount was filled by the respondent and hence, he prayed for dismissal of the petition.

4. 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.

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

6. Accepting the said submission, the presence of the petitioner before the trial Court shall be dispensed with on condition that he 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.

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

8. Accordingly, this Criminal Original Petition stands dismissed. Consequently, connected Miscellaneous Petition in Crl.M.P(MD)No.4198 of 2019 stands closed and Crl.M.P(MD) No. 4199 of 2019 stands ordered.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

The Judicial Magistrate,
Ambasamudram.

+1 CC to Mr.T.LENINKUMAR, Advocate (SR-4883[F] dated 05/02/2020)

Crl.O.P. (MD)No.6354 of 2019
05.02.2020

MK (25.02.2020) 2P 3C