



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.04.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P. No.7305 of 2021

and

Crl.M.P.Nos.4872 and 4873 of 2021

J.Nagendran

... Petitioner

Versus

C.Nanthini Devi

... Respondent

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in S.T.C.No.55 of 2020 on the file of learned Judicial Magistrate Fast Track Court at Thiruvallur and to quash the proceedings.

For Petitioner : Mr.R.Muniyapparaj

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor
(Crl.Side)

ORDER

The petitioner is the accused in S.T.C.No.55 of 2020 on the file of learned Judicial Magistrate Fast Track Court at Thiruvallur, who has filed the present quash petition.

2.The contention of the petitioner is that he is a college going student and it is his mother/Sumathi, who had taken a chit from the respondent. As a successful bidder the respondent demanded blank cheque from the petitioner's mother. The petitioner's mother received the chit amount and handed over the blank cheque signed by the petitioner. Since the mother of the petitioner is illiterate issued the blank cheque belongs to the petitioner to the respondent for security purpose without his knowledge. In the meantime, the petitioner's mother repaid the entire chit amount to the respondent and asked the respondent to return the blank cheque, the respondent refused to do so. Thereby, misunderstanding arose between the parties and inturn, the respondent deposited the cheque in Indian Overseas Bank, Pattabiram Branch, Chennai on 05.10.2020 and the same was returned on 06.10.2020 with an endorsement "Payment stopped by drawer". The learned counsel would submit that the petitioner



has got no knowledge about the issuance of cheque to the respondent by her mother for the security purpose and no constructive liability would fasten against the petitioner.

3.At this juncture, the learned counsel for the petitioner seeks permission of this Court to withdraw this Criminal Original Petition, with liberty to raise all the points before the Trial Court during trial. Further, he seeks dispense with for the personal appearance of the petitioner.

4.Recording the submission so made by the learned counsel for the petitioner, this Court grants permission to withdraw the petition with liberty to raise all the points before the Trial Court during trial.

5.It is made clear that the appearance of the petitioner is dispensed with and he shall be represented by a counsel, who shall cross examine the witnesses on the same day, itself, when he is examined in Chief. The petitioner shall be present before the Court below, at the time of framing of charges, at the time of questioning under Section 313 Cr.P.C and at the time of passing of the final Judgment.

6.Accordingly, this Criminal Original Petition is dismissed as withdrawn with liberty to the petitioner. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

klt
To

The Judicial Magistrate,
Fast Track Court,
Thiruvallur.

+1cc to M/s.R.Muniyapparaj, Advocate sr.24358

CRL.O.P. No.7305 of 2021
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rk[co]
srg 14/07/2021