



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.12.2021

WEB COPY

CORAM:

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

Crl.O.P.Nos.11334, 11550, 11925 and 11932 of 2017 &
Crl.M.P.Nos.7451, 7452, 7579, 7580, 7833, 7834, 7835 & 7836 of
2017

M/s Fresh Buy from JM Farms,
151, 8th Main, 3rd block, 5th cross
Koramangala, Bangalore - 560034
rep. By its proprietor / authorised signatory
Manoj Kumar Dugar ... Petitioner in all the Petitions

Versus

Pahilaj K Karla
... Respondent in Crl.O.P.No.11334 of 2017

M/s L.S.Tex
rep. By its proprietrix
Mrs.Geetha
18G, High School Road,
Komarapalayam - 638 183,
Tiruchengode Taluk,
Namakkal District.
... Respondent in Crl.O.P.No.11550 of 2017

Shree Nithi Enterprises
rep. By its proprietor,
S.Baskaran, Tiruchengode Taluk
Nama`kkal District
... Respondent in Crl.O.P.No.11925 of 2017

M/s Sri Navasakthi Vinayaga Tex
rep. By its proprietor,
G.Kumar
B.Komarapalayam - 638 183
Tiruchengode Taluk
Namakkal District. ...Respondent in Crl.O.P.No.11932 of 2017



PRAYER: Criminal Original Petitions filed under Section 482 of the Code of Criminal Procedure, to quash the complaint in S.T.C.No.3523 of 2016; S.T.C.No.42 of 2017; S.T.C.No.1780 of 2016 and S.T.C.No.167 of 2017 respectively on the file of the learned Judicial Magistrate No.2, Erode; learned Judicial Magistrate (FTC), Tiruchengode ; learned Judicial Magistrate No.3, Erode and learned Judicial Magistrate (FTC), Tiruchengode respectively.

Prayer amended as per the order of this Court dated 03.10.2017 made in Crl.M.P.No.11362 of 2017 in Crl.O.P.No.11932/2017 and Crl.O.P. No.11550/2017.

For Petitioner

:Mr.A.E.Ravichandran

For Respondent

in Crl.O.P.No.11334 of 2017 &

in Crl.O.P.No.11925 of 2017 : Mr.M.Guruprasad

in Crl.O.P.No.11550 of 2017 : Mr.G.Keeerthana

in Crl.O.P.No.11932 of 2021 : Mr.R.Sathishkumar

C O M M O N O R D E R

Since the petitioner in all these petitions and the issue involved in these petitions are one and the same, they are taken up together and a common order is being passed.

2. The present Criminal Original Petitions are filed to quash the complaint in S.T.C.No.3523 of 2016; S.T.C.No.42 of 2017; S.T.C.No.1780 of 2016 and S.T.C.No.167 of 2017 respectively on the file of the learned Judicial Magistrate No.2, Erode; learned Judicial Magistrate (FTC), Tiruchengode ; learned Judicial Magistrate No.3, Erode and learned Judicial Magistrate (FTC), Tiruchengode respectively.

3. Heard the learned counsel appearing for the petitioner as well as the learned counsel appearing for the respondents respectively.

4. The complaints have been filed by the respondents against the petitioner under Section 138 r/w Section 142 of Negotiable Instruments Act. The main contention urged before this Court by the learned counsel for the petitioner to quash the proceedings is that there is no privity of contract between the parties and cheques have been misused, in respect of which police complaint has been filed.



5. At the outset, this Court is of the view that such contention of the learned counsel for the petitioner has no locus to stand and to quash the entire proceedings. All the averments averred by the petitioner are all matter of evidence before the trial court. Further, special rules governing Negotiable Instruments Act deals with the statutory presumption, which has to be dislodged by the petitioner.

6. In such view of the matter, all the submissions of the petitioner and the facts are matter of evidence to establish before the trial court, therefore, the petitioner is at liberty to take all legal pleas before the trial court to establish his defence.

With these observations, the present Criminal Original Petitions are dismissed, the learned Judicial Magistrate (FTC), Tiruchengode in S.T.C.No.167 of 2017; learned Judicial Magistrate No.2 Erode in S.T.C.No.3523 of 2016; learned Judicial Magistrate (FTC), Tiruchengode in S.T.C.No.42 of 2017 and the learned Judicial Magistrate No.3, Erode in S.T.C.No.1780 of 2016 respectively are directed to expedite the trial in the said cases and dispose of the same, as expeditiously as possible, preferably, within a period of six months from the date of receipt of a copy of this order. Consequently connected miscellaneous petitions are closed.

SD/-
ASSISTANT REGISTRAR

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SUB ASSISTANT REGISTRAR

ssd
To

1. The Judicial Magistrate No.2,
Erode.
2. The Judicial Magistrate (FTC),
Tiruchengode.
3. The Judicial Magistrate No.3,
Erode.



4.The Chief Judicial Magistrate,
Erode (For Information)

5.The Chief Judicial Magistrate,
Namakkal.

+4cc to Mr.A.E.Ravichandran, Advocate Sr.64214
+1cc to Mr.M.Guruprasad, Advocate Sr.64610

Crl.O.P.Nos.11334, 11550, 11925 and 11932 of 2017

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srg 27/12/2021