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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.11.2021

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

Crl.O.P.No.17523 of 2017

and

Crl.M.P.Nos.10717 & 10718 of 2017

Regunathan

... Petitioner

Vs.

V.Sadagopan

Proprietor of M/s.Shivanand Tex,
having office at
No.2-4, OKS Layout, Opp. Ayyappan
Koil Street, Tirupur - 641 602.

... Respondent

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records pertaining to the complaint in S.T.C.No.1838 of 2006 on the file of the learned Judicial Magistrate No.1, Tiruppur, and quash the same, as against the petitioner/4th accused.

For Petitioner : Mr.J.Franklin

ORDER

This Criminal Original Petition has been filed to quash the proceedings in S.T.C.No.1838 of 2006 on the file of the Judicial Magistrate No.1, Tiruppur.

2.Heard the learned counsel for the petitioner and perused the entire materials available on record.

3.The petitioner is charged with an offence under Section 138 of the Negotiable Instruments Act. Factual disputes are raised in this matter as to the legally enforceable debt and it requires appreciation of evidence and the same have to be gone into during trial and this Court, in exercise of its jurisdiction under Section 482 Cr.P.C., cannot conduct such a roving enquiry. It is open to the parties to raise all the grounds before the trial Court, during the process of trial. However, this Court is not inclined to interfere with the proceedings at this stage.



4. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petitions are closed.

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5. The petitioner is directed to appear before the trial Court within a period of two weeks from the date of receipt of a copy of this order and file an application under Section 436 Cr.P.C. for bail. The trial Court shall release the petitioner on bail on the same day, on he executing a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two sureties. If, thereafter, the petitioner absconds, a fresh FIR can be registered under Section 229-A IPC.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

mkn

To

The Judicial Magistrate No.1,
Tiruppur.

Cr1.O.P.No.17523 of 2017

KSM(CO)
SB(26/11/2021)