



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.07.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

CRL.O.P No.30371 of 2019

and

CrI.M.P Nos.16442 & 16445 of 2019

Seema Jain,
Director,
M/s.Rickul India Private Ltd.,
405, 4th Floor, Agarwal Prestige Mall,
Road No.44, Sant Nagar, Pitampura,
Delhi.

...Petitioner

Vs.

Sunil Kumar Sharoff,
Partner of Sharogg Marketing,
FL-5 Alsa Mall No.4, Monieth Road,
Egmore, Chennai-8.

.. Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, praying to call for the records and quash the complaint of the first respondent in CC.No.1003/2019 on the file of the learned FTC IV Metropolitan Magistrate, George Town, Chennai.

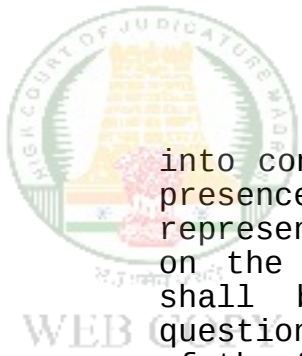
For Petitioner : Mr.A.Selvendran

ORDER

This petition has been filed challenging the proceedings initiated by the respondent against the petitioner under Section 138 of Negotiable Instruments Act.

2. The grounds raised by the counsel for the petitioner are all factual in nature and it requires appreciation of evidence and this Court cannot decide the same in exercise of its jurisdiction under Section 482 of Criminal Procedure Code. It is left open to the petitioner to raise all the grounds before the Court and the same shall be considered on its own merits and in accordance with law. This Court is not inclined to interfere with the proceedings pending before the Court below.

3. The learned counsel for the petitioner requested this Court to dispense with the presence of the petitioner. Taking



into consideration, the facts and circumstances of the case, the presence of the petitioner is dispensed with and she shall be represented by a counsel, who shall cross examine the witnesses on the same day, they are examined in Chief. The petitioner shall be present before the Court below at the time of questioning under Section 313 Cr.P.C and at the time of passing of the final judgement.

4. Accordingly, this Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings in C.C.No.1003 of 2019 as expeditiously as possible. Consequently, the connected miscellaneous petitions are also closed.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

rli

To

1.FTC IV Metropolitan Magistrate,
George Town, Chennai.

2.The Public Prosecutor,
High Court, Madras.

+2cc to M/s.A.Selvendran, Advocate, S.R.No.35777

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PCH(CO)
SB(27/08/2021)