



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.12.2021

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P. (MD) Nos.2195, 2214 & 2581 of 2021

and

Crl.M.P. (MD) Nos.1083, 1094 & 1357 of 2021

Crl.O.P. (MD) No.2195 of 2021:

V.Munieswaran

... Petitioner/Accused

Vs.

M/s.Maheswari Motor Finance,
Represented by its Partner,
R.Prabakaran,
Door No.253B-Jawahar Bazar,
2nd Floor, Karur Town,
Karur Taluk,
Karur District.

... Respondent/ Complainant

Prayer : Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records pertaining to the S.T.C.No.468 of 2020 on the file of the Learned Judicial Magistrate Fast Track Court, Karur, and quash the proceedings as against the Petitioner herein.

For Petitioner : Mrs.A.S.Shangeetha

For Respondent : Mr.V.Sukumar

Crl.O.P. (MD) No.2214 of 2021:

V.Munieswaran

... Petitioner/ Accused

Vs.

M/s.Sri Devi Meenakshi Finance,
Represented by its Partner R.Prabakaran,
Door No.253B-Jawahar Bazar,
2nd Floor, Karur Town, Karur Taluk,
Karur District.

... Respondent/Complainant

Prayer : Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records pertaining to the S.T.C.No.470 of

<https://hcservices.ecourts.gov.in/hcservices/>



2020 on the file of the Learned Judicial Magistrate Fast Track Court, Karur, and quash the proceedings as against the Petitioner herein.

For Petitioner : Mrs.A.S.Shangeetha

WEB COPY

For Respondent : Mr.V.Sukumar

Crl.O.P. (MD) No.2581 of 2021:

V.Munieswaran

... Petitioner/ Accused

Vs.

M/s.Sivalaya Motor Finance,
Represented by its Partner R.Prabakaran,
Door No.253B-Jawahar Bazar,
2nd Floor, Karur Town,
Karur Taluk,
Karur District.

... Respondent/ Complainant

Prayer : Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records pertaining to the S.T.C.No.469 of 2020 on the file of the Learned Judicial Magistrate Fast Track Court, Karur, and quash the proceedings as against the Petitioner herein.

For Petitioner : Mrs.A.S.Shangeetha

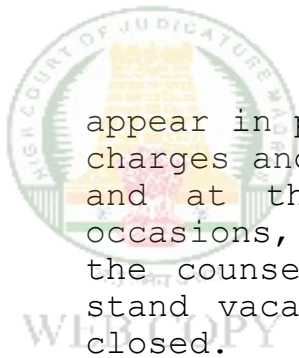
For Respondent : Mr.V.Sukumar

COMMON ORDER

These Criminal Original Petitions have been filed to quash the impugned private complaints which have been instituted for the offence under Section 138 of Negotiable Instruments Act. The learned counsel appearing for the petitioner reiterated all the contentions set out in the memorandum of grounds. According to her, the cheques given for security purpose were misused.

2. I am not persuaded by the said submission. Consideration of the petitioner's counsel's contentions would necessarily involve embarking on a factual probe and analysis. Under Section 482 Cr.P.C, I cannot do so. These Criminal Original Petitions are dismissed. All the defences of the petitioner are left open.

3. However, taking note of the overall facts and circumstances, the personal appearance of the petitioner before the court below is dispensed with. The learned trial Magistrate shall insist on the personal appearance of the petitioners only when it is absolutely necessary and imperative. The petitioner shall be called upon to



appear in person before the trial Court at the time of answering the charges and at the time of examination under Section 313 of Cr.P.C., and at the time of pronouncement of Judgment. On all other occasions, the petitioner can be represented through his counsel. If the counsel also fails to appear, the benefit of this order will stand vacated. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Judicial Magistrate Fast Track Court,
Karur.

+3 CC to M/s.V.SUKUMAR, Advocate (SR-40280,SR-40281,SR-40282[F]
dated 23/12/2021)

Crl.O.P. (MD) Nos.2195, 2214 & 2581 of 2021 and
Crl.M.P. (MD) Nos.1083, 1094 & 1357 of 2021
22.12.2021

RD(11.01.2022) 3P 5C