



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.11.2021

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P(MD)No.18766 of 2021

and

Crl.M.P. (MD)Nos.10399 and 10401 of 2021

A.Senthil Kumar

... Petitioner

Vs.

M.Murugan

... Respondent

Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to quash the complaint in C.C.No.41 of 2021 on the file of the learned Judicial Magistrate, Rajapalayam.

For Petitioner : Mr.B.Balamurugan

O R D E R

This criminal original petition has been filed to quash the impugned proceedings in C.C.No.41 of 2021 on the file of the Judicial Magistrate, Rajapalayam.

2.The respondent had filed the impugned private complaint against the petitioner for the offence under Section 183 of the Negotiable Instruments Act.

3.The learned counsel for the petitioner reiterated all the contentions set out in the memorandum of grounds. He would contend that even without issuing the statutory notice, the complaint had been filed. According to him, the signature in the complaint cheque also differs. The learned counsel further submitted that he will be in a position to demonstrate that the petitioner has no enforceable liability.

4.I am afraid that none of the contentions can be gone into in these proceedings. This because, they necessarily involve undertaking a factual probe. Under Section 482 of CrPC, I cannot do so.

5.Leaving open the petitioner's contentions and defences, this criminal petition is dismissed. Taking into account the



over all facts and circumstances, the person appearance of the petitioner before the Court below is dispensed with. However, the Court below will insist on the personal appearance of the petitioner only on three occasions namely, to answer the charge, for examination under Section 313 of CrPC and at the time of pronouncing Judgment. On all other occasions, the petitioner need not appear before the Court below. However, on those occasions, the petitioner will have to be represented by her counsel. If the petitioner's counsel is also absent, the benefit of dispensing with the personal appearance of the petitioner will stand automatically vacated. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

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:

The Judicial Magistrate,
Rajapalayam.

+2 CC to M/s.B.BALAMURUGAN, Advocate (SR-36782[F] dated 01/12/2021)

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