



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.12.2021

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P(MD)No.19843 of 2021

and

Crl.M.P.(MD)Nos.11167 and 11168 of 2021

K.Lakshmipathi

... Petitioner/Accused

Vs.

K.Kannan

... Respondent/Complainant

Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records in connection with the impugned complaint in S.T.C.No. **(*)55 of 2021** on the file of the Judicial Magistrate, Fast Track Court, Kovilpatti and quash the same.

For Petitioner : Mr.G.Srinivasaragavan

O R D E R

Heard the learned counsel for the petitioner. Considering the nature of relief to be granted, issuance notice to the respondent is dispensed with.

2.The petitioner and the respondent herein are brothers. The respondent has filed S.T.C.No. **(*)55 of 2021** on the file of Judicial Magistrate, Fast Track Court, Kovilpatti for the offence under Section 138 of Negotiable Instruments Act.

3.The learned counsel for the petitioner reiterated all the contentions set out in the memorandum of grounds. They are quite persuasive. However, the fact is that they will have to be established only before the Court below. Under Section 482 of CrPC, I cannot go into those contentions.

4.Leaving open the petitioner's defences, this criminal original petition is dismissed. However, taking into account the overall facts and circumstances, the personal 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 his 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 (Records)

**(*)Amended as per order of this
Hon'ble Court dated 12.01.2022
in CRL.MP(MD)No.559 of 2022 in
CRL.OP(MD)No.19843 of 2021 by GRSJ**

Sd/-

Assistant Registrar (Records)

// 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:

**(*)To be Substituted the order already despatched
on 28.12.2021**

The Judicial Magistrate,
Fast Track Court,
Kovilpatti.

+1 CC to M/s.D.SRINIVASARAGAVAN, Advocate (SR-38962[F] dated
15/12/2021)

Crl.O.P(MD)No.19843 of 2021
14.12.2021

NSN(CO)
KB(24.12.2021) 2P 3C
MGJ(27.01.2022) 2P 3C