



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.04.2022

CORAM

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.O.P.NO.8476 OF 2019

AND

CRL.M.P.NO.4517 OF 2019

O.M.Eajaz

... Petitioner

Versus

M/s.H.R.A.Leather Exports,
Rep. by its Prop. Mr.K.H.Ameenur Rahman,
S/o.Hafeezur Rahman,
Door No.411, H.M.O. Street,
Periyapet, Vaniyambadi Town,
Vellore District.

... Respondent

PRAYER:-

This Criminal Original Petition had been filed under Section 482 of Criminal Procedure Code to call for the entire records in S.T.C.No.510 of 2018 on the file of Judicial Magistrate, Vaniyambadi and quash the same.

For Petitioner : Mr.D.Santhosh Bharath
For M/s.K.Mohanamurali

For Respondent : No appearance

ORDER

This Criminal Original Petition had been filed seeking to quash S.T.C.No.510 of 2018 on the file of Judicial Magistrate, Vaniyambadi.

2. When the case is taken up for hearing, the learned Counsel for the Petitioner submits that this is a petition filed to quash the private complaint filed under Section 138 of Negotiable Instruments Act in S.T.C.No.510 of 2018 on the file of the learned Judicial Magistrate, Vaniyambadi. It is submitted by the learned Counsel for the Petitioner that as per the



3. On receipt of the notice by the accused, who are shown as R1 to R10 in the notice dated 06.10.2018, on behalf of the first Respondent, reply was given to the Complainant in reference to the copy of the reply as found in the typed set of papers, which has been stated clearly that T.Mohammed Suahib and T.K. Mohammed Sufiyan are Partners of M/s.Saleh Tanning Company. The other parties mentioned in the notice dated 06.10.2018 sent by the Complainant are only their family members. With an ulterior motive, dishonestly to harass and intimidate them, the notice had been sent to them.

5. On perusal of the records, it is found that an interim stay was granted to the Petitioner at the time of admission of this Criminal Original Petition, but, notice was not served on the Complainant till date.

7. The submissions of the learned Counsel for the Petitioner is considered as valuable defence, that can be agitated before the Court of the learned Judicial Magistrate at the time of trial and the learned Counsel for the Petitioner is directed to file appropriate petitions before the learned Judicial Magistrate, Vaniyambadi regarding dispensation of personal appearance, since the identity of the Accused is not disputed.



8. Considering the business transaction between the Respondent/Complainant and the Petitioner and other Accused as Accused before the trial Court, they are known to each other. Therefore, if the Petitioner files any petition seeking exemption from personal appearance, the learned Judicial Magistrate may consider the same. At the same time, pending this case for more than three years is not a fit case for extending stay and therefore, issuing notice on the Complainant, at this stage is dispensed with.

9. Therefore, this Criminal Original Petition is dismissed and the learned Judicial Magistrate, Vaniyambadi is directed to proceed with the trial and dispose of the same within a reasonable time. Consequently, the connected Criminal Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

sp

To

1. The Judicial Magistrate,
Vaniyambadi.
2. The Public Prosecutor,
Madras High Court,
Chennai.

+2ccs to M/s.K.Mohanamurali, Advocate, S.R.No.25328

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RSV(CO)
PBS/20/05/2022