



WEB COPY



Crl.O.P.No.15181 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2022

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

Crl.O.P.No.15181 of 2022

and

Crl.M.P.Nos.8476 and 8479 of 2022

M.Immanuel

... Petitioner

Vs.

C.Krishnamoorthy

...Respondent

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records and quash the proceedings in C.C.No.133 of 2019 pending on the file of the learned Fast Track Court, Alandur, Chennai.

For Petitioner : Mr.G.V.Sridharan

ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings initiated under Section 138 of the Negotiable Instruments Act, in C.C.No.133 of 2019 pending on the file of the learned Fast Track Court, Alandur, Chennai.



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2. The main ground taken by the petitioner is that the cheques in question were obtained by coercion and undue influence by the respondent.

3. At the outset, this Court is unable to countenance the submission of the learned counsel for the petitioner for quashing the proceedings. The coercion and undue influence have to be proved by adducing proper evidence before the trial Court. Hence, this Court is not inclined to entertain this petition.

4. At this stage, the learned counsel for the petitioner seeks indulgence of this Court to dispense with the personal appearance of the petitioner before the trial Court.

5. Accordingly, the presence of the petitioner shall be dispensed with before the trial Court except for receiving the copies, initial questioning, questioning under Section 313 of Cr.P.C and any other date fixed by the trial Court and at the time of passing judgment.

6. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petition is closed.

04.07.2022

Speaking Order/Non-speaking Order

Index :Yes/No

Internet:Yes/No

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N. SATHISH KUMAR,J.

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To

The Fast Track Court, Alandur, Chennai.

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