



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Tuesday, the Eleventh day of January Two Thousand Twenty Two

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PRESENT

The Hon`ble Mr Justice M. NIRMAL KUMAR

CRIMINAL MISCELLANEOUS PETITION Nos.11370,11369,11371 & 11372 of 2021

IN

CRL.OP.Nos.20980 & 20982 of 2021

P.DAMOTHARAN

[PETITIONER IN BOTH THE PETITIONS]

Vs

RICH INDIA HOUSING PVT., LTD

[RESPONDENT IN BOTH THE PETITIONS]

REP.BY ITS AUTHORIZED LEGAL REPRESENTATIVE,

S.VIKRAMATHITHAN

Petitions praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL.OP.Nos.20980 & 20982 of 2021 of on the file of the High Court, the High Court will be pleased to

(i)dispense with the personal appearance of the petitioner in all future hearing dates in S.T.C.Nos.530 & 532 of 2019 on the file of the Fast Track Court (Magisterial Level), Poonamallee, pending disposal of the above CRL.OP.Nos.20980 & 20982 of 2021.(IN CRL.MP.Nos.11370 & 11372/2021)

(ii)Stay all further proceedings in S.T.C.Nos.530 & 532 of 2019 on the file of the Fast Track Court (Magisterial Level) Poonamallee, pending disposal of the above CRL.OP.Nos.20980 & 20982 of 2021.(IN CRL.MP.Nos.11369 & 11371/2021)

Order : These petitions coming on for orders upon perusing the petitions and Memorandum of Grounds in CRL.OP.Nos.20980 & 20982 of 2021 On the file of the High Court and upon hearing the arguments of M/S N.MANOKARAN Advocate for M/S.P.KRISHNAN, Advocate for the petitioner(IN BOTH THE PETITIONS)the court made the following order:-

These Criminal Original Petitions have been filed to quash the records relating to the criminal cases in S.T.C.Nos.530 and 532 of 2019 on the file of the Fast Track Court (Magisterial Level), Poonamallee.



2. The petitioner/accused is facing trial on the complaint filed by the respondent for the offence under Section 138 of Negotiable Instruments Act, 1881 in STC.Nos.530 & 532 of 2019 on the file of the learned Judicial Magistrate (Fast Track Court) Poonamallee, Chennai.

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3. The primary ground on which the petitioner assails in these petitions is that there are three Cheques bearing Nos.00084, 00085 & 00086 dated 15.12.2018, 10.02.2019 & 10.03.2019 respectively, drawn for an amount of Rs.25,00,000/- on HDFC Bank, Arakkonam and those cheques were obtained from the petitioner by force, coercion and threat at the instance of one Mr.Ravi, Deputy Superintendent of Police, ALGSC, Vellore.

4. The learned counsel for the petitioner further submitted that the petitioner has filed a complaint on 08.12.2018 against Mr.Ravi, Deputy Superintendent of Police, ALGSC, Vellore to the Human Rights Commission and also has given a letter to the respondent. He has received notice from the respondent dated 12.03.2019 & 25.03.2019. In the notice, there is bereft of any fact, except stating that three cheques were dishonored, which were issued by the petitioner and the same had been stopped by the drawer. The petitioner had sent a detailed reply to the statutory notice. In his reply, the petitioner had narrated about the role played by the DSP Mr.Ravi and receipt of three cheques for Rs.75 lakhs and that the petitioner was under duress. Further, signature was obtained in non-judicial stamp paper. The petitioner was kept in illegal custody and thereafter cheques were obtained with threat and coercion. The cheques were photographed and sent to Mr.Ravi, Deputy Superintendent of Police to convince him that the petitioner had paid the complainant by cheques.

5. Though a detailed reply was given to the respondent, the respondent simply ignored the same by giving reason that the reply notice was received beyond the period of 15 days. It is to be noted that that the petitioner and the complainant had some land dealing and during the transaction, there was some misunderstandings. Further, right from the beginning, the petitioner stand that the cheques have been received under duress with the aid of one Mr.Ravi, DSP. It is seen that, later the complaint was closed. This fact known to the petitioner when anticipatory bail petition before this Court in CrI.O.P.No.28800 of 2018 was heard.

6. Finding that the petitioner recorded contemporaneously the issuance of cheques under duress, this Courts finding reason in the submission of the learned counsel for the petitioner.

7. Hence, this Court had admitted the Criminal Original Petitions.

8. Issue notice to the respondent returnable by 14.02.2022. Private Notice is also permitted.



9. There shall be an order of interim stay as prayed for till then.

10. The personal appearance of the petitioner in S.T.C. Nos.530 & 532 of 2019 on the file of the Fast Track Court (Magisterial Level), Poonamallee, is dispensed with.

11. Post this matter on 14.02.2022.

-sd/-

11/01/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE FAST TRACK COURT,
(MAGISTERIAL LEVEL), POONAMALLEE

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR (FOR INFORMATION)

+2 C.C. to M/S. P.KRISHNAN Advocate on payment of necessary charges Sr.Nos.606 & 607

Order

in

CRL MP.Nos.11370,11369,11371 & 11372 of 2021

IN CRL.OP.Nos.20980 & 20982 of 2021

Date :11/01/2022

From 7.2.2001 the Registry is issuing certified copies of the BAIL/Anti.BAIL Orders in this format

RVR 02/02/2022