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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2022

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.25781 of 2021 and
Crl.M.P.Nos.14326 and 14327 of 2021

A.Veeramani

... Petitioner

Versus

Mrs.P.U.Parimalam

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to the proceedings of the complaint in C.C.No.4963 of 2020 on the file of Chief Metropolitan Magistrate Court-Egmore, Chennai quash the same.

For Petitioner : Mr.P.Muthamizhselvakumar

O R D E R

The petitioner who is an accused in a private complaint filed in C.C.No.4963 of 2020 under Section 138 of Negotiable Instruments Act, by the respondent has filed this quash petition.

2. The only ground raised by the petitioner is that though the statutory notice was said to be issued on 24.08.2020 and the same was returned on 25.08.2020, there was no material to show that the said notice was taken to the correct address of the petitioner and no reason has been given for return of the statutory notice and hence the complaint cannot be sustained.

3. Heard the learned counsel appearing for the petitioner. Perused the records.

4. On a Perusal of the complaint, it is seen that there is specific averment in the complaint that the statutory notice dated 24.08.2020 has been returned on 24.08.2020, and it was also averred that the said fact was known to the accused which itself is prima facie sufficient to proceed the matter under Section 138 of the Negotiable Instruments Act and hence Court is not inclined to grant relief as sought for by the petitioner.



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5. The learned counsel appearing for the petitioner submits that the petitioner is an Advocate by profession and he is aged about 62 years and hence sought to dispense with his personal appearance before the Court below.

6. Considering the facts and circumstances of the case and also in view of the submissions made, the personal appearance of the petitioner before the Court below is dispensed with subject to the filing of the appropriate petition along with undertaking affidavit to the effect that the petitioner will not be a reason for delay in trial and co-operate for the speedy disposal of the trial. If such petition under Section 205 Cr.P.C., is filed along with undertaking affidavit, the trial Court is directed to follow the decision of Hon'ble Supreme Court in the case of Bhaskar Industries Limited Versus Bhiwani Denim & Apparels Ltd. and others reported in 2001 SCC (Cr1) 1254 and complete the trial as expeditiously as possible.

This Criminal Original Petition is dismissed with the above directions. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar (CS-VII)

//True copy//

Sub Assistant Registrar

arr

To

1. The Chief Metropolitan Magistrate Court-Egmore,
Chennai

2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.P.Muthamizhselvakumar, Advocate SR.No.1031

CRL.O.P.No.25781 of 2021

MT (CO)
GMY (04/02/2022)