



WEB COPY



Crl.O.P.No.26279 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.11.2022

CORAM:

THE HONOURABLE MS JUSTICE R.N.MANJULA

Crl.O.P.No.26279 of 2022 and
Crl.M.P.Nos.16211 and 16214 of 2022

V.Shanthi Jayaraj

... Petitioner

Vs.

Mr.T.Krishnamoorthy

... Respondent

Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code, to call for the records relating to the S.T.C.No.2284 of 2022 pending on the file of the Fast Track Court No.I (Metropolitan Magistrate), Allikulam, Egmore, Chennai and quash the same by allowing this Criminal Original Petition by appreciating the above stated facts and circumstances.

For petitioner : Mr.D.Lakshmipathy

For Respondent : Mr.E.Rajthilak,
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to quash the proceedings in S.T.C.No.2284 of 2022 on the file of the Fast Track Court No.I (Metropolitan Magistrate), Allikulam, Egmore, Chennai.



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2. On a private complaint given by the respondent against the petitioner, for the offences under Section 138 of Negotiable Instruments Act, a case was taken on file in S.T.C.No.2284 of 2022 on the file of the Fast Track Court I, (Metropolitan magistrate), Allikulam, Egmore, Chennai.

3. The learned counsel for the petitioner would submit that he has not given any cheque for discharging any legally enforceable debt or liability. The respondent and one Kasi viswananthan had been managing the affairs of the petitioner's business and he had misused the cheque issued to the petitioner to pay essential recurring dues of the petitioner.

4. It is needless to state that once execution of the cheque is admitted, the presumption would go against the petitioner. The essential requirements to file a case under Section 138 of the Negotiable Instruments Act have been complied and hence the case has been taken on file. The submissions now made by the learned counsel for the petitioner at the best can serve as his defence. Hence, I feel the trial should be allowed to go.



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5. The learned counsel for the petitioner would submit that the personal appearance of the petitioner can be dispensed with. It is open to the petitioner to file appropriate application before the learned Magistrate to dispense his appearance, whenever he is not able to make his presence.

6. In the result, this Criminal Original Petition is dismissed.
Consequently connected miscellaneous petitions are closed.

01.11.2022

vum
Index:yes/No
Speaking order / Non speaking order

To

The Metropolitan Magistrate,
Fast Track Court No.I,
Allikulam, Egmore, Chennai



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R.N.MANJULA,J.

vum

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