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Crl OP No. 2094 / 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.06.2023

CORAM :

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Criminal Original Petition No. 2094 of 2021
and
Crl.M.P. No. 1161 of 2021

B.S. Hari

... Petitioner

Versus

N. Murugan

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of the Criminal Procedure Code seeking to call for the records relating to the C.C. No. 243 of 2020 on the file of the learned District Munsif cum Judicial Magistrate, Edappadi and quash the same.

For Petitioner : Mr. M.N. Balakrishnan.

For Respondent : Mr. R. Jayaprakash.

ORDER

The petition is to quash the private complaint in C.C. No. 243 of 2020 on the file of the learned District Munsif cum Judicial Magistrate, Edappadi for the alleged offence under Section 138 of the Negotiable



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Instruments Act.

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2. The points raised by the learned counsel for the petitioner that the petitioner is not known to the complainant and the complainant misused the cheque cannot be adjudicated in this petition. Hence, this Court is not inclined to entertain this petition. However, the petitioner is at liberty to raise all the points before the trial Court.

3. The learned counsel for the petitioner submitted that the petitioner is a professor and prayed for dispensing with the appearance of the petitioner before the trial Court. Considering the submission of the learned counsel for the petitioner, the personal appearance of the petitioner before the trial Court is dispensed with unless the learned Magistrate considers his presence necessary for the progress of the trial.

4. With the above observations, this Criminal Original Petition is dismissed. Consequently, the connected miscellaneous petitions are closed.

20.06.2023

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Index: Yes/No

Speaking Order / Non-Speaking Order

Neutral Citation: Yes / No

To

The District Munsif cum Judicial Magistrate,
Edappadi.



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SUNDER MOHAN, J

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