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Crl OP No. 15392 / 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.06.2023

CORAM :

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Criminal Original Petition No. 15392 of 2021
and
Crl.M.P. Nos. 8426 & 8427 of 2021

K. Rayappan

... Petitioner

Versus

A. Varatharajan

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of the Criminal Procedure Code seeking to call for the records of the proceedings in S.T.C. No. 25 of 2018 on the file of the Fast Track Judicial Magistrate, Tiruppur and quash the same.

For Petitioner : Mr. N.S. Sivakumar.

For Respondent : Mr. P.M. Doraisamy.

ORDER

The petition is to quash the complaint in S.T.C. No. 25 of 2018 on the file of the Fast Track Judicial Magistrate, Tiruppur for the alleged offence under Section 138 of the Negotiable Instruments Act.



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2. The learned counsel for the petitioner submitted that the cheque was dishonoured only for the reason 'Refer to drawer' as there were material alteration in the cheque. The learned counsel further submitted that the petitioner filed an application before the trial Court to appoint an Advocate Commissioner to send the cheque for examination by handwriting expert.

3. This Court is of the view that the points raised by the learned counsel for the petitioner have to be adjudicated only before the trial Court. Hence, this Court is not inclined to entertain this petition. However, the petitioner is at liberty to raise all his points before the trial Court.

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 Fast Track Judicial Magistrate,
Tiruppur.



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SUNDER MOHAN, J

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