



Criminal Original Petition No.17531 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.08.2023

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Criminal Original Petition No.17531 of 2023

and

Crl.M.P.Nos.11470 & 11472 of 2023

1.M/s.K.V.S Enterprises
No.13/76, Murthy Nagar,
Padi, Chennai - 60

A Partnership firm represented by its Partners

- (a) Mr.S.Anil Kumar
S/o.K.V.Sukumar
- (b) Mr.S.Sunil Kumar
S/o.K.V.Sukumar
- (c) Mr.S.Mohan Das
S/o.K.V.Sukumar

2.S.Anil Kumar
S/o.K.V.Sukumar

3.S.Sunil Kumar
S/o.K.V.Sukumar

4.S.Mohan Das
S/o.K.V.Sukumar

...Petitioners

Vs



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1.M/s.Salzer Electronics Ltd.,
An incorporated company
Having its registered office at
Samichettipalayam,
Coimbatore - 641 047.
represented by D.Rajesh Kumar
Joint Managing Director

2.M/s.Salzer Magnet Wires Ltd.,
An incorporated company,
Having its registered office at,
Bettathapuram, Karamadai,
Coimbatore - 641 104.
represented by P.Ramachandran, Director

both represented by its Power of Attorney Holder,
Sri.A.Sathish Prabakaran

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, 1973, praying to call for the records pertaining to C.C.No.10 of 2020 on the file of learned Judicial Magistrate, Mettupalayam, Coimbatore and quash the same in respect of petitioners/Accused 1 to 4.

For Petitioners : Mr.R.Chakkaravarthy

ORDER

This petition has been filed challenging the proceedings initiated by the respondents against the petitioners under Section 138 of Negotiable Instruments Act.



2. The grounds raised by the learned counsel for the petitioners are all factual in nature and it requires appreciation of evidence and this Court cannot decide the same in exercise of its jurisdiction under Section 482 of Criminal Procedure Code. It is left open to the petitioners to raise all the grounds before the Court below and the same shall be considered on its own merits and in accordance with law. This Court is not inclined to interfere with the proceedings pending before the Court below.

3. The learned counsel for the petitioners requested this Court to dispense with the presence of the petitioners. Taking into consideration, the facts and circumstances of the case, the presence of the petitioners is dispensed with and they shall be represented by a counsel, who shall cross examine the witnesses on the same day, they are examined in Chief. The petitioners shall be present before the Court below at the time of questioning under Section 313 Cr.P.C and at the time of passing of the final judgment.

Accordingly, this Criminal Original Petition is dismissed and the Court below is directed to complete the proceedings in C.C.No.10 of 2020



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N.ANAND VENKATESH, J

gm

within a period of four (4) months from the date of receipt of copy of this order. Consequently, the connected miscellaneous petitions are closed.

08.08.2023

Index : Yes/No
Speaking order: Yes/No
Neutral citation: Yes/No
gm

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