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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.07.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.16301 of 2023
and Crl.M.P.Nos.10349 & 10350 of 2023

P.Velusamy

...Petitioner

Vs

K.Varatharajan

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records and to quash the entire proceedings pending in STC No.375 of 2023 on the file of learned Judicial Magistrate, Mettupalaiyam and Coimbatore.

For Petitioner : Mr.T.Balachandran

ORDER

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



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2.The learned counsel for the petitioner submitted that the petitioner even in his reply notice had undertaken to settle the entire cheque amount. In view of the same, the learned counsel submitted that some time is required for the petitioner to settle the cheque amount of a sum of Rs.4,50,000/- This request can be made to the Court below and the Court below can consider the same and see if the matter can be settled between the parties.

3.Further, the grounds raised by the counsel for the petitioner 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 petitioner to raise all the grounds before the Court 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.

4.The learned counsel for the petitioner requested this Court to dispense with the presence of the petitioner. Taking into consideration, the facts and circumstances of the case, the presence of the petitioner is dispensed with and he



shall be represented by a counsel, who shall cross examine the witnesses on the same day, they are examined in Chief. The petitioner 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 judgement.

5. Accordingly, this Criminal Original Petition is disposed of. Consequently, the connected miscellaneous petitions are closed.

21.07.2023

Index : Yes/No
Speaking order: Yes/No
ssr

To

1. The Judicial Magistrate No.II, Poonamallee.
2. The Inspector of Police,
Thirumullaivoyal Police Station,
Chennai – 600 062.
3. The Public Prosecutor,
High Court, Madras.



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N.ANAND VENKATESH, J

SSI

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