



CrI.O.P.(MD) No.675 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.01.2023

CORAM:

THE HONOURABLE MR. JUSTICE K.MURALI SHANKAR

CrI.O.P.(MD) No.675 of 2023

and

CrI.M.P.(MD) No.615 of 2023

Johnson,

: Petitioner

Vs

Sabapathy,

: Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying this Court to call for the records in Cr.M.P.No.3773 of 2022 in CC.No.36 of 2014 on the file of Fast Track Court (Magisterial Level), Thoothukudi, dated 22.12.2022 and set aside the same.

For Petitioner : Mr.S.muniyandi



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ORDER

WEB COPY This criminal original petition has been filed seeking to set aside the impugned order made in Cr.M.P.No.3773 of 2022 in CC.No.36 of 2014 on the file of Fast Track Court (Magisterial Level), Thoothukudi, dated 22.12.2022.

2. The main contention of the petitioner is that the cheque amount itself is in question and the source of the income is to be established by the defacto complainant and that the petitioner himself has taken the steps and the above petition came to be filed only to elicit the source of income. The respondent/complainant has filed a counter statement raising objections and the learned Judicial Magistrate, after enquiry, dismissed the petition in Cr.M.P.No.3773 of 2022.

3. The learned Judicial Magistrate has specifically observed that the petitioner has already questioned PW.1 elaborately as to the source of income and the same has been answered by PW.1 and that the income-tax documents had already been produced in order to prove the source of income of the complainant and that the above petition was filed only to drag on the proceedings.



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4. Considering the above facts and circumstances, this Court is of the view that the impugned order, dismissing the petition cannot be found fault. Hence this Criminal Original Petition is devoid of merit and the same is liable to be dismissed. Therefore, this Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petition is closed.

11.01.2023

NCC:Yes/No
Index:Yes/No
Internet:Yes/No
lr

To

The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR, J.

lr

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