



CrI.O.P.(MD).No.3832 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.04.2023

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

CrI.O.P.(MD).No.3832 of 2023
and CrI.M.P.(MD).Nos.3403 & 3408 of 2023

M.Yuvaraj

... Petitioner/Accused

Vs.

A.Suresh

... Respondent/Complainant

PRAYER : Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to call for the records relating to the complaint in C.C.No.392 of 2022 on the file of the Judicial Magistrate, Ambasamuthiram against the petitioner and quash the same.

For Petitioners : Mr.P.Chandra Sekar

For R1 : Mr. B.Nambiselvam
Additional Public Prosecutor

ORDER

This petition has been filed seeking to quash the complaint in C.C.No.392 of 2022 on the file of the Judicial Magistrate, Ambasamuthiram against the petitioner.



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2.The petitioner is facing charges under Section 138 of Negotiable Instruments Act and Section 420 of IPC. The respondent has given a complaint before the trial Court namely the Judicial Magistrate Court, Ambasamudhiram, as if the petitioner has borrowed a sum of Rs.30,00,000/- and to realize the same he has given two cheques and when the same were presented before the Bank, they were returned as insufficient funds. Hence, the complaint. Alleging that the petitioner has only borrowed a sum of Rs.4,00,000/-, that too repaid to the respondent, the petitioner has come forward with this petition seeking quashment of the above said complaint. But, all the above said alleged facts are the matter for consideration by the trial Court.

3.After hearing, the learned counsel for the petitioner restricted his prayer and submitted that the personal appearance of the petitioner may be dispensed with, since he is residing in Chennai.

4.Accordingly, this criminal original petition fails and dismissed. Consequently, connected miscellaneous petitions are closed. However, considering the fact that the petitioner is residing in Chennai his personal



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appearance before the trial Court is dispensed with the following condition.

(i)The petitioner shall appear before the learned Judicial Magistrate, Ambasamudhiram, within a period of 15 days from the date of receipt of a copy of this order and file an undertaking affidavit, by affixing his recent passport size photograph, to the effect that he will appear before the trial Court as and when required and must ensure his proper representation through Advocate.

06.04.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
TM

To

- 1.The Judicial Magistrate, Ambasamudhiram.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGOVAN,J.

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