



Crl.O.P.(MD).No.17155 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.11.2023

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

Crl.O.P.(MD).No.17155 of 2023
and Crl.M.P.(MD).Nos.13594 & 13596 of 2023

P.Devanathan

... Petitioner

Vs.

Ramamoorthy

...Respondent

PRAYER : Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to call for the records of proceedings of C.C.No.24 of 2023 on the file of the Judicial Magistrate Court, Aruppukotai, Virudhunagar District and quash the same and pass such further or other orders as this Court.

For Petitioner : Mr.R.Murugappan

For Respondent : Mr.M.Thirunavukkarasu

ORDER

This criminal original petition has been filed seeking to quash proceedings of C.C.No.24 of 2023 on the file of the Judicial Magistrate Court, Aruppukotai, Virudhunagar District.



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2.The contention of the petitioner is that based on the private complaint lodged by the respondent a case in C.C.No.24 of 2023 was taken on file by the learned Judicial Magistrate, Aruppukkottai, Virudhunagar District and tried against the petitioner. Setting out various grounds, this petition has been filed by the petitioner to quash the above said proceedings.

3.After hearing the learned counsel for the respondent, this Court is not inclined to quash the proceedings, since the quashment is sought purely on factual issue. Whether the cheque was issued to the respondent herein and the liability took place in the year 2019 or 2018 itself, can be the matter for consideration only by the trial Court, since as pointed out by the respondent, signature and issuance of cheque are not challenged or disputed. Whether the presumption will arise in the facts and circumstances of the case is also matter for consideration by the trial Court. On that aspect, this Court has not expressed any opinion, leaving the matter to be decided by the trial Court on merits.

4.The learned counsel for the petitioner would submit that he will



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be satisfied if personal appearance of the petitioner is dispensed with before the trial Court.

5.In view of the submissions the personal appearance of the petitioner before the trial Court is dispensed with the following condition.

(i)The petitioner shall appear before the learned Judicial Magistrate, Aruppukkottai, 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.

6.There shall be a direction to the learned Judicial Magistrate, Aruppukkottai, Virudhunagar District, to expedite the trial process in C.C.No.24 of 2023 pending on his file and dispose of the same within a period of four months from the date of receipt of a copy of this order.

7.With the above said directions, this criminal original petition



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stands dismissed. Consequently, connected miscellaneous petitions are closed.

29.11.2023

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

To

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



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G.ILANGO VAN,J.

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