



CrI.O.P.(MD) No.18731 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

CrI.O.P.(MD)No.18731 of 2023
and
CrI.M.P(MD)Nos.14810 and 14811 of 2023

P.Sethuramalingam

...Petitioner

Vs.

S.Periyasami

...Respondent

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records of the proceedings of S.T.C. No.187/2020, on the file of the Fast Track Court at Magistrate Level, Karur, Karur District and quash the same.

For Petitioner :Mr.R.Murugappan

ORDER

This Criminal Original Petition is filed to call for the records of the proceedings of S.T.C. No.187/2020, on the file of the Fast Track Court at Magistrate Level, Karur, Karur District and quash the same.



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2. The case of the prosecution in brief is that, the respondent herein filed a private complaint stating that on 16.07.2014, this petitioner alleged to have borrowed a sum of Rs.4.50 Lakhs, by promising to return the same with interest. In spite of repeated request and demand, that was not repaid. To discharge the liability, in part, he issued a cheque on 10.09.2015, drawn in State Bank of India, Rasipuram Branch for a sum of Rs.3 Lakhs. When it was presented for payment, it was returned and dishonoured, stating that the 'signature differs'. After completing the statutory formalities, private complaint is filed. Seeking quashment of the same, this petition has been filed by the petitioner, on the sole ground that even as per the case of the prosecution, the cheque allegedly paid by him was not dishonoured due to insufficient fund, but on the ground of difference of signature. According to him, the offence under Section 138 of Negotiable Instruments Act, is not at all attracted.

3. Perusal of the diary extract shows that due to the non-appearance of the petitioner, warrant was issued against him. On 29.08.2023, the hearing was posted to 01.12.2023. Without appearing before the trial Court, this petition has



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been filed. After hearing the learned Counsel for the petitioner, this Court is not inclined to quash the proceedings. The petitioner has to face the trial process to its logical conclusion. After that, the learned counsel for the petitioner submitted that considering the age of the petitioner, his personal appearance may be dispensed with. But that will be considered only when recalling the warrant issued against him. Let him appear before the trial Court and get the warrant recalled and execute a bond under Section 88 of Cr.P.C. After execution of the bond, his personal appearance will be dispensed with, imposing conditions that by the trial Court at its discretion.

4. With this direction, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petitions are closed.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No

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G.ILANGOVAN. J.

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To

1.The Fast Track Court at Magistrate Level, Karur, Karur District.

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