



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.01.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P No.1235 of 2024

and

CrI.M.P.No.899 of 2024

Naveen Kumar
Proprietor
N.S.P. Enterprises

...Petitioner/Accused

Vs.

M.Udhayakumar
S/o.Meganathan

...Respondent/Complainant

PRAYER :

Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the entire records pursuant to the case in S.T.C.No.1117 of 2023 on the file of the Judicial Magistrate Court, Avinashi and quash the same by allowing this Criminal Original Petition.

For Petitioner : Mr.K.Sudhakar

ORDER

This petition has been filed challenging the proceedings initiated by the respondent against the petitioner under Section 138 of the



Negotiable Instruments Act, 1881.

2. 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 the Code of Criminal Procedure, 1973 [Cr.Pc]. The facts of this case and grounds raised in the quash petition does not fall within the parameters laid down by the Apex Court in ***Bhajan Lal case*** reported in ***(1992) Suppl (1) SCC 335***. 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.

3. 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 answering the charges, at the time of questioning under Section 313



Cr.P.C and at the time of passing of the final judgment.

4. Accordingly, this Criminal Original Petition is disposed of and the Court below is directed to complete the proceedings in S.T.C.No.1117 of 2023 as expeditiously as possible. Consequently, the connected miscellaneous petition is also closed.

29.01.2024

Speaking Order/Non-Speaking Order

Index: Yes/No

Internet: Yes/No

mk

To

1. The Judicial Magistrate,
Avinashi.

2. The Public Prosecutor,
High Court, Madras.



WEB COPY



4

N.ANAND VENKATESH.J.,

mk

CRL.O.P No.1235 of 2024
and
CrI.M.P.No.899 of 2024

29.01.2024