



Crl.O.P.No.1192 of 2024

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.02.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.1192 of 2024
and Crl.M.P.Nos.837 and 838 of 2024

1.M/s.Maximus Blue Metals,
rep.by its Proprietor
Mr.S.Armstrong Fernando

2.M/s.Maximus Crusher
rep.by its Partners
Mr.S.Armstrong Fernando and Mrs.A.Subeka

3.Mr.S.Armstrong Fernando

... Petitioners

Vs.

1.Mrs.R.Jayarani (deceased)
rep.by her Power of Attorney
Mr.R.Ashok

2.Mr.R.Ashok

..Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in the STC No.6694 of 2022 pending on the file of Metropolitan Magistrate, Fast Track Court No.II, Egmore and quash the same as the complaint against the petitioners/ accused 1, 2 and 3 are liable to be quashed.

For Petitioners

: Mr.David Tyagaraj



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ORDER

This petition has been filed challenging the proceedings initiated by the respondents against the petitioners under Section 138 of Negotiable Instruments Act.

2. The grounds raised by the counsel for the petitioners 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 Criminal Procedure Code. The facts of this case and grounds raised the quash petition does not fall within the parameters laid down by the Apex Court in Bhajanlal case reported in (1992) Suppl (1) SCC 335. It is left open to the petitioners 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. Accordingly, this Criminal Original Petition is dismissed and the Court below is directed to complete the proceedings in S.T.C.No.6694 of 2022, within a period of six months from the date of



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receipt of copy of this order. Consequently, the connected miscellaneous petitions are also closed.

14.02.2024

Index : Yes/No
Internet : Yes/No
Speaking/Non-Speaking Order
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N.ANAND VENKATESH, J.

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