



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.02.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P No.2249 of 2024

M/s.Ambal Agencies
Rep. By its Power Agent,
Mr.Pullaiah Ramaih,
S/o.Ramaih,
No.63, Srinidhi, Thattankulam Road,
Madhavaram, Chennai - 600 060

...Petitioner/ Complainant

Vs.

1.M/s.Sargam Metals Pvt Ltd.,
Rep. By its Managing Director,
Mr.Sarathi Arun,
Mangalam Square
L-13, Dr.VSI Estate, Phase II,
Thiruvanmiyur,
Chennai- 600 041.

2.M/s.Sarathi Arun
Managing Director,
M/s.Sargam Metals Pvt Ltd.,
Mangalam Square,
L-13, Dr.VSI Estate, Phase II,
Thiruvanmiyur, Chennai - 41.

3.Mr.Vijaya Arun
Director of M/s.Sargam Metals Pvt Ltd.,
Mangalam Square
L13, Dr.VSI Estate, Phase II,
Thiruvanmiyur, Chennai - 600 041



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Respondents 2 & 3 residing at
New No.189, Ols.No.122,
St.Mary's Road,
Alwarpet, Chennai - 600 018.

4.Mr.Sundarachari Varadachari
Director of M/s.Sargam Metals Pvt Ltd.,
Mangalam Square
L13, Dr.VSI Estate, Phase II,
Thiruvanmiyur, Chennai - 600 041

Respondents 1 to 4 have:
Administrative Office at
Block 1, Unit 35, 3rd Floor,
SIDCO Electronic Complex,
Thiru Vi Ka Industrial Estate,
Guindy, Chennai - 600 032.

Factory at:
Plot NO.7-A, SIPCOT Industrial Park,
Chellaperumbulimedu Village,
Cheyyar - 631 701.

...Respondents/ Accused

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the learned XXIV Metropolitan Magistrate, Egmore at Chennai to dispose the case in STC No. 3587 of 2021 on this file within a time frame to be fixed by this Court.

For Petitioner : Ms.R.Meenakshi Devi

ORDER

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



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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 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 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 questioning under Section 313 Cr.P.C and at the time of passing of the final judgement.



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4. Accordingly, this Criminal Original Petition is disposed of and the Court below is directed to complete the proceedings in S.T.C.No.3587 of 2021, within a period of three months from the date of receipt of copy of this order.

06.02.2024

Speaking Order/Non-Speaking Order

Index: Yes/No

Internet: Yes/No

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To

1.The XXIV Metropolitan Magistrate,
Egmore at Chennai

2. The Public Prosecutor,
High Court, Madras.



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N.ANAND VENKATESH.J.,

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CRL.O.P No.2249 of 2024

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