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Crl.O.P.No.4338 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.02.2024

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THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.4338 of 2024
and Crl.M.P.Nos.3182 and 3183 of 2024

1.M/s.Supreme Coated Board Mills Private Limited
rep.by its Director,
Mr.Kannan Kaliappa Nadar

2.Mrs.Mariappan Thangeswari

3.Sakthinath Mariappan

4.Mariappan Sakthiraj ... Petitioners

Vs.

M/s.Pon Pure Chemical India Private Limited
rep.by Mr.Jino Antony
Chief Manager-Legal

...Respondent

Prayer: Criminal Original Petition under Section 482 of the Criminal Procedure Code to call for the records pertaining to the proceedings in S.T.C.NO.806/2023 pending on the file of Metropolitan Magistrate Court, F.T.C.IV, George Town, Chennai for the alleged offence u/s.138 N.I.Act and quash the same.

For Petitioners : Mr.S.V.Navin Prabhu



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ORDER

This petition has been filed challenging the proceedings initiated by the respondents against the petitioner 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 Bhajan Lal 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. The learned counsel for the petitioners requested this Court to dispense with the presence of the 2nd petitioner. Taking into consideration, the facts and circumstances of the case, the presence of the 2nd petitioner



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alone 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 2nd petitioner shall be present before the Court below at the time of questioning under Section 313 Cr.P.C and at the stage of passing of the final judgement.

4. Accordingly, this Criminal Original Petition is dismissed and the Court below is directed to complete the proceedings in S.T.C.NO.806/2023 pending on the file of Metropolitan Magistrate Court, F.T.C.IV, George Town, Chennai, as expeditiously as possible. Consequently, the connected miscellaneous petitions are also closed.

29.02.2024

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Index : Yes/No

Speaking order: Yes/No

Neutral citation: Yes/No

To

1.The Metropolitan Magistrate Court, F.T.C.IV, George Town, Chennai

2.The Public Prosecutor,
High Court, Chennai.

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