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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2024

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.4519 of 2024
and Crl.MP.Nos.3323 & 3324 of 2024

S.Christopher Thangadurai

.. Petitioner/ Accused

vs.

N.Shanmugam

..Respondent/ Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the proceedings in C.C.No.755 of 2014 pending on the file of Judicial Magistrate Court No.I, at Coimbatore and quash the same.

For Petitioner : Mr.G.Kartheeban

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 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 below 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 with a direction to the Court below to complete the proceedings in in C.C.No.755 of 2014 pending on the file of Judicial Magistrate Court No.I, at Coimbatore, within a period of three months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petitions are closed.

28.02.2024

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
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To
Judicial Magistrate Court No.I,
Coimbatore.



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N. ANAND VENKATESH,. J.

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