



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.03.2024

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.6491 of 2024
and Crl MP Nos.4782 and 4783 of 2024

Razak

Petitioner

vs.

Frook

Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in STC No.992 of 2023 on the file of the metropolitan Magistrate, Fast Track Court No.IV, at George Town, Chennai.

For Petitioner : Mr.M.Guruprasad

ORDER

This petition has been filed seeking to quash the proceedings in STC No.992 of 2023 on the file of Metropolitan Magistrate, Fast Track Court No.IV, George Town, Chennai.

2. Heard the learned counsel for the petitioner and perused the materials available on record.

3. The petitioner had earlier filed a quash petition before this Court

in Crl OP No.22031 of 2023 by raising the ground that the cheque was issued by the



firm and whereas, the accused has been shown as a proprietary concern represented by the Proprietor. This Court found that the said ground raised is factual in nature which can be agitated only before the Trial Court. The quash petition was therefore dismissed as withdrawn on 17.10.2023.

4. The petitioner has filed this 2nd quash petition by raising the ground that a defective statutory notice has been issued by the respondent before instituting the proceedings in STC No.992 of 2023.

5. In the considered view of this Court, the ground that has been raised in this petition was very much available to the petitioner even when the earlier quash petition was filed. It is true that the Apex Court has held that a 2nd quash petition can be maintained. However, that does not mean that the grounds can be raised in the quash petition on installment basis in each quash petition before this Court. Every time a fresh quash petition will be filed by raising a new ground which was not raised in the earlier quash petition, though such a ground was available at the time of filing the earlier petition. There will be no end in filing fresh quash petitions for the same proceedings by raising new grounds each time. That in fact will result in an abuse of process of Court which has to be curtailed by this Court.

6. In the light of the above discussion, this Court is not inclined



to entertain this petition since the ground that was raised in this petition was very much available to the petitioner even at the time of filing the earlier petition and inspite of the same, the ground was not raised . Therefore, 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.

7. In the result, this Criminal Original Petition is disposed of in the above terms. Consequently, the connected miscellaneous petition is closed.

25.03.2024

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
rka
To

1. The Metropolitan Magistrate, Fast Track Court No.IV, at George Town, Chennai
2. The Public Prosecutor,
High Court of Madras,
Madras.



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N. ANAND VENKATESH,. J.

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