



CRL.O.P.No.9501 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.04.2024

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

CRL.O.P.No.9501 of 2024

and

CrI.M.P.No.6598 of 2024

G.Ponnaiyan

.. Petitioner

Vs.

K.Prakash

... Respondent

PRAYER: This Criminal Original Petition has been filed under Section 482 of Cr.P.C. to call for the entire records in S.T.C.No.33 of 2023 from the file of the Judicial Magistrate Court (Fast Track Court), Omalur, Salem District quash the same

For Petitioner : Mr.D.Shivakumaran

ORDER

This Criminal Original Petition has been filed seeking to quash the the proceedings in S.T.C.No.33 of 2023 on the file of the Judicial Magistrate Court (Fast Track Court), Omalur, Salem District.



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2. The case of the prosecution is that in order to repay the debt to the respondent, the petitioner has given two cheques for a sum of Rs.5 lakhs each. However, the said cheques which were presented was returned with an endorsement “payment stopped by the drawer”, due to which the respondent has filed a compliant u/s.138 of Negotiable Instruments Act. Seeking to quash the same, the present petition has been filed.

3. The learned counsel appearing for the petitioner would submit that a false case has been foisted against the petitioner and there is no specific allegation as against the petitioner. He further submits that the appearance of the petitioner before the trial court may be dispensed with.

4. Heard the learned counsel for the petitioner and the learned counsel appearing for the first respondent and perused the materials placed on record.

5. In the above circumstances, the trial court has rightly taken the



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case on file and this Court is of the considered view that no prejudice would be caused to the petitioner, if he is subjected to due trial as sufficient opportunity would be given to the petitioner to put forth his defence. The petitioner cannot be let by quashing the charges framed against him as that would completely undermine the alleged act, which is the subject matter of criminal trial pending against him. Useful reference in this regard can be made to the decision of the Hon'ble Apex Court in ***State of Haryana – Vs - Bhajan Lal (1992 SCC (Crl.) 426)*** .

6. For the reasons aforesaid, this Court finds no ground or scope to quash S.T.C.No.33 of 2023 on the file of the Learned Judicial Magistrate Court (Fast Track Court), Omalur, Salem District. Accordingly, this Criminal Original Petition is dismissed. Taking into consideration the request as made by the learned counsel for the petitioner, the appearance of the petitioner before the trial court is dispensed with except for his appearance for the purpose of receiving the copy of the proceedings u/s 207 Cr.P.C., framing of charges, questioning under Section 313 Cr.P.C. and on the day on which judgment is to be pronounced. However, if for



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any particular reason, the presence of the petitioner is necessary, the trial court, at its wisdom, shall direct his appearance on those days. Consequently, connected miscellaneous petition is closed.

7. In view of the order passed in Crl.O.P.No.9501 of 2024, no order needs to be passed in Crl.M.P.No.6599 of 2024 filed seeking to dispense with the personal appearance of the petitioner. Accordingly, the Crl.M.P.No.6599 of 2024 stands closed.

22.04.2024

Index: Yes/No
Internet: Yes/No

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To



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**The Judicial Magistrate Court (Fast Track Court),
Omalur, Salem District.**

M.DHANDAPANI , J.



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