



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2024

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

**Crl.O.P Nos.9916, 12283, 14416, 9938, 12249, 9920,9296, 9310, 9313,
9314, 12255, and 12258 of 2023
and all connected Crl.MPs of 2023**

V.Chandrasekar
Proprietor, Rajalingam Transports
No.1, Gandhi Road, Arni-632 301
also at No.69/1, Bhajanai Koil Street
Kizhiyampettai Village
Kalambur Post, Polur Taluk
Thiruvannamalai District-606 903.

... Petitioner/ Accused

.VS.

M/s.K.Jayakumar
a Partnership Firm
Represented by Partner K.Jayakumar
Rep.by Power of Attorney
G.Muthu, S/o.Ganapathi
No.261A, Market Road
Arni-632 301
Tiruvannamalai District.

..Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in STC No.205 of 2021 on the file of the Judicial Magistrate, Arni and quash the same as null and void.



For Petitioner : Mr.RM.Meenakshi Sundaram
(All CrI.OPs)

For Respondent : Mr.B.Sundarapandiyan
(All CrI.OPs)

COMMON ORDER

The main issue that has been raised in these petitions is that the petitioner is not the Proprietor of Rajalingam Transports and that one Mr.V.Ramalingam, is the Proprietor of Rajalingam Transports and the petitioner is not the signatory of the cheque. The materials that have been placed before the Court shows that there is no clarity as to who is the Proprietor of Rajalingam Transports. Since both the petitioner and his brother Ramalingam have identified themselves as Proprietor of the Proprietary concern. This issue cannot be decided in these petitions filed under Section 482 of Cr.PC.

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 petitioners. Taking into consideration, the facts and circumstances of the case, the presence of the petitioners is dispensed with and they shall be represented by a counsel, who shall cross examine the witnesses on the same day, they are examined in Chief. The petitioners 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.

4. Accordingly, these Criminal Original Petitions are dismissed and the Court below is directed to complete the proceedings in S.T.C.Nos.205, 256, 263, 261, 207, 260, 204, 206, 257, 262, 259 and 258 of 2021, within a period of **six months** from the date of receipt of copy of this order. Consequently, all the connected miscellaneous petitions are closed.

06.02.2024

Index : Yes/No
Speaking Order/Non-Speaking Order
Neutral citation : Yes/No
KP

To
Judicial Magistrate, Arni.



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N. ANAND VENKATESH., J
KP

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