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Crl.O.P.Nos.11843, 12204 & 11849 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.11.2024

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

Crl.O.P.Nos.11843, 12204 & 11849 of 2024

and

Crl.M.P.Nos.7724,7725, 7727, 7728 , 7784 & 7785 of 2024

Devi ... Petitioner in Crl.O.P.No.11843 of 2024
and Crl.O.P.No.11849 of 2024

L.Dhandapani . Petitioner in Crl.O.P.No.12204 of 2024

Vs.

Inderchand Kochar
S/o, Dhanraj N Kochar,
Rep. By its Power of Attorney,
Mr.Jithesh Kumar Kochar,
At No.22, Kennet Lane,
Egmore, Chennai -8

... Respondent in all the Crl.O.Ps.

COMMON PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records in S.T.C.Nos.935, 936 & 1670 of 2024 pending on the file of the Metropolitan Magistrate, FTC-II, Allikulam, Egmore, Chennai and quash the same.



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For Petitioner : Mr.Ohm Prakash, Senior Counsel
for Mr.K.Balu

For Respondent : Mr.NithyeshNataraj
for Mr.Anirudh A.Sriram

COMMON ORDER

This Criminal Original Petitions have been filed to call for the records in S.T.C.Nos.935, 936 & 1670 of 2024 pending on the file of the Metropolitan Magistrate Court, FTC-II, Allikulam, Egmore, Chennai and quash the same.

2. Heard the learned counsel appearing on behalf of the petitioners and the learned counsel appearing for the respondent and perused the materials available on record.

3. Learned counsel for the petitioners submitted that already there are several criminal cases pending as against the respondent. The respondent had stolen the cheque of the petitioners and forged the signature and presented the same as if the petitioners have given it to the respondent. Based on the complaint given by the petitioners, F.I.R has



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also been registered as against the respondent. Even in the reply to the statutory notice, the petitioners have stated all these facts. The petitioners have not issued any cheque whereas, the respondent has stolen the cheque and forged the same.

4. Admittedly, the respondent has filed the complaint against the petitioners for the offence under section 138 of the Negotiable Instruments Act and the same was taken on file in S.T.C.Nos.935, 936 & 1670 of 2024 respectively on the file of the Metropolitan Magistrate Court, FTC-II, Allikulam, Egmore, Chennai and the same are pending. Whether the cheques have been issued for discharge of legally enforceable debt or the cheques have been forged and all other matters to be decided during the course of trial. Hence, this Court is not inclined to allow this petition. However, the petitioners are at liberty to take all their defence before the trial court. Personal appearance of the petitioners are dispensed with before the trial court. However, the petitioners have to appear before the trial court as and when their presence is required before the trial court.



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5. The learned Metropolitan Magistrate, FTC-II, Allikulam, Egmore, Chennai is directed to complete the enquiry and dispose of the complaints in S.T.C.Nos.935, 936 & 1670 of 2024 within a period of three months from the date of receipt of a copy of this order. Both the parties and their counsels are directed to extend their fullest cooperation for the speedy disposal of the complaints.

6. In view of the above, the Criminal Original Petitions are dismissed. Consequently, connected miscellaneous petitions are closed

06.11.2024

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Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No



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P.VELMURUGAN, J.

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