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1

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.01.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P No.13547 of 2023
and Crl.M.P Nos.8236 and 8237 of 2023

Mrs.S.U.Mohamed Raizdeen

Prop.M/s.Sugam Agencies

No.5, Kamaraj Nagar

Koliyanur Koot Road

Koliyanur-635 103

Villupuram District.

...Petitioner

.Vs.

M/s.Khandelwal Steel & Tubes Traders

Rep.by its Manager/Authorizee

Mr.Sanjeevi Sivanandam

81, Armenian Street, Parrys

Chennai 600 001.

...Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records private complaint in STC No.382 of 2023, on the file of the Fast Track Judge-IV, George Town, at Chennai and quash the same.

For Petitioner : Mr.S.Natarajan

For Respondent : Mr.Harshit Sharma

**ORDER**

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This petition has been filed challenging the proceedings initiated by the respondent against the petitioner under Section 138 of Negotiable Instruments Act.

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 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 petitioner requested this Court to dispense with the presence of the petitioner. Taking into consideration, the facts and circumstances of the case, the presence of the petitioner is dispensed with and he shall be represented by a counsel, who shall cross examine the witnesses on the same day, they are examined in Chief. The petitioner 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, this Criminal Original Petition is disposed of and the Court below is directed to complete the proceedings in S.T.C.No.13 of 2023, within a period of **six** months from the date of receipt of copy of this order. Consequently, the connected miscellaneous petitions are also closed.

09.01.2024

Speaking Order/Non-Speaking Order
Index: Yes/No
Internet: Yes/No
kp

To

Fast Track Judge-IV,
George Town, Chennai.



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4

N.ANAND VENKATESH.J.,

kp

CRL.O.P No.13547 of 2023

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