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Crl.O.P.No.13479 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.01.2024

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.13479 of 2023
and Crl.M.P.Nos.8173 & 8176 of 2023

Vijayakumar Kalindindi
Authorised Signatory,
Virtual Energy Private Limited,
Malaxmi Courtyard, Survey No.157,
Khajaguda Village, Golconda Post
Hyderabad, Telangana – 500 008.
Also at: Plot No.843/A, Road No.43, Jubilee Hills,
Hyderabad, Telangana – 500 033. ... Petitioner/Accused No.3

vs.

Sherisha Technologies Private Limited
Rep., by its Manager (Accounts) & Authorised Signatory
Mr.Hari Jayaraman
Having registered office at:
No.1/171, Old Mahabalipuram Road,
Thiruporur, Kancheepuram – 603 110. ... Respondent/complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records and quash the complaint in S.T.C.No.3905 of 2022, pending on the file of the learned Metropolitan Magistrate, FTC V at Saidapet.

For Petitioner : Mr.Abdul Saleem Sr. counsel for
Mr.S.Elambharathi

For Respondent : Mr.R.Palaniandavan



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ORDER

This petition has been filed challenging the proceedings initiated by the respondents 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 the grounds raised in 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 at the



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time of initial questioning under Section 251 of Cr.P.C., and subsequent questioning under Section 313 of Cr.P.C., and at the time of passing of the judgment.

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4. Accordingly, this Criminal Original Petition is disposed of and the Court below is directed to complete the proceedings in S.T.C.No.3905 of 2022 on the file of the learned Metropolitan Magistrate, FTC V at Saidapet, within a period of six months from the date of receipt of copy of this order. Consequently, the connected miscellaneous petitions are also closed.

24.01.2024

Index : Yes/No

Internet : Yes/No

Speaking Order/Non-Speaking Order

pbn

To

1.The learned Metropolitan Magistrate, FTC V, Saidapet.

2.The Public Prosecutor,
High Court of Madras,
Madras.



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N. ANAND VENKATESH,. J.
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