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Crl.O.P.No.14648 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.02.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.14648 of 2023

And

Crl.M.P.Nos.9127 and 9129 of 2023

V.Prakash

... Petitioner

Vs.

T.A.Arputharaj

... Respondent

Prayer:

Petition filed under Section 482 of Cr.P.C., seeking to call for the records in S.T.C.No.1102 of 2023 on the file of Fast Track Court – III Metropolitan Magistrate at Saidapet and quash the same.

For Petitioner : Mr.Veeraraghavan
for M/s.G.Uma Maheswari

For Respondent : No Appearance

O R D E R

This petition has been filed seeking to quash the proceedings in S.T.C.No.1102 of 2023 pending on the file of Fast Track Court – III Metropolitan Magistrate at Saidapet.



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2.The respondent has filed the private complaint against the petitioner for offence under Section 138 of the Negotiable Instruments Act. The case of the respondent is that the petitioner had approached the respondent for a loan and the loan amount was paid to the petitioner. Towards discharge of this loan amount, the cheque for a sum of Rs.25,000/- was issued to the respondent. When this cheque was presented for encashment it was dishonoured. Thereafter, after exchange of notices, the complaint came to be filed before the Court below.

3.Heard the learned counsel for the petitioner. The notice has been served on the respondent and the name of the respondent has also been printed in the cause list. There is no representation either in person or through counsel.

4.It is seen from the materials placed before this Court that the petitioner had engaged an Advocate named Balasubramanian who handled the cases of the petitioner. The petitioner had issued the impugned cheque bearing No.823509 towards fees for conducting the case on behalf of the petitioner. The petitioner had also paid a sum of



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Rs.8 Lakhs to the said Advocate, which is evident even in the reply notice that was sent by the petitioner on 23.03.2023. The said Advocate did not even appear for the petitioner in the case in W.P.No.659 of 2022, which is evident from the order passed by this Court on 23.02.2023 where this Court held that the counsel who represented the petitioner in that case has washed off his hands.

5.The materials that have been placed before this Court are incontrovertible and is sterling in nature which can be relied upon by this Court. That apart, it was a cheque that was given to the Advocate and unfortunately, the Advocate has given it to some third party with whom the petitioner had no dealings.

6.Taking into consideration the facts and circumstances of the case and the materials placed before this Court, this Court comes to the conclusion that the continuation of the proceedings against the petitioner will result in abuse of process of Court which requires the interference of this Court in exercise of its jurisdiction under Section 482 of Cr.P.C.



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7.In the result, the proceedings in S.T.C.No.1102 of 2023 on the

file of Fast Track Court – III Metropolitan Magistrate at Saidapet, is hereby quashed and this criminal original petition is allowed. Consequently, the connected miscellaneous petitions are closed.

08.02.2024

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Index: Yes/ No

Speaking Order: Yes/ No

NCC: Yes/ No

To

1.The Fast Track Court – III
Metropolitan Magistrate at Saidapet.

2.The Public Prosecutor,
High Court of Madras,
Chennai 600 104.

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And

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