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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.02.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P No.15694 of 2023
and Crl.MP.Nos.9782 & 9783 of 2023

Mr.K.Sahadevaiah

...Petitioner

.Vs.

M/s.Samunnati Financial Intermediation &
Services Pvt.Ltd,
Rep.by its Consultant-Power Agent Mr.M.Kannan
S/o.Muthusamy
Baid Hi Tech Park
No.129-B, 8th Floor, East Coast Road
Thiruvanmiyur, Chennai 600 041.

... Respondent/Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records of the proceedings in STC No.3183 of 2022, on the file of the V Fast Track Metropolitan Magistrage, Saidapet, Chennai and quash the same.

For Petitioner : Mr.J.Saravana Vel

For Respondent : Ms.Rukmani Venugopalan

**ORDER**

WEB COPY

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 she 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.3183 of 2022, within a period of **six** months from the date of receipt of copy of this order. Consequently, the connected miscellaneous petitions are closed.

19.02.2024

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

To
V Fast Track Metropolitan Magistrage
Saidapet, Chennai.



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N.ANAND VENKATESH.J.,

kp

CRL.O.P No.15694 of 2023

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