



Crl.O.P.No.21884 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2024

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.21884 of 2019

and

Crl.M.P.No.11367 of 2019

C.Padmanabhan

... Petitioner

Vs.

G.Mohanasundaram

... Respondent

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records pertaining to the STC.No.9 of 2018 on the file of the learned Judicial Magistrate, Sirkali and quash the same.

For Petitioner : Mr.Sundarapandiyan.B

For Respondent : Mr.S.A.Shanmugam

O R D E R

The petitioner has filed this petition seeking to call for the records pertaining to the STC.No.9 of 2018 on the file of the learned Judicial Magistrate, Sirkali and quash the same.



Crl.O.P.No.21884 of 2019

2. Against the petitioner the respondent / de-facto complainant has filed a complaint under Section 138 of Negotiable Instrument Act in STC.No.9 of 2018 for dishonouring of cheque bearing Nos.713531, 713532 dated 01.10.2018 for a sum of Rs.5,00,000/- (Rupees Five lakh only) and Rs 4,00,000/- (Rupees Four Lakhs only), drawn on State Bank of India, Villivakkam Branch, Chennai and the same was taken on file in STC.No.9 of 2018 on the file of the learned Judicial Magistrate, Sirkali.

3. The learned counsel for the petitioner submitted that proper notice was not given and he was not aware of the de-facto complainant initiating vexatious proceedings and accordingly he prays to quash the proceedings.

4. When the matter is taken up for hearing, there is no representation on the side of the respondent. Notice was served to the respondent. In the 4 previous hearings, the matter was adjourned for reporting settlement, but no settlement was arrived, and without any progress the matter was adjourned. On seeing the records, it appears that the petitioner was not aware of the de-facto complainant and proper notice was not served.



Crl.O.P.No.21884 of 2019

5. On all the hearings the petitioner appeared before the trial Court by filling his counter objection. At the end of the trial only the defence raised by the respondent can be decided. Hence, I do not find any merits to quash the proceedings.

6. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous petition is closed.

04.01.2024

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Speaking Order/ Non Speaking Order

Index: Yes/ No

Internet: Yes/ No

To

1.The Judicial Magistrate, Sirkali.

2.The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.21884 of 2019

T.V.THAMILSELVI, J.

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