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Crl.O.P.No.20676 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.01.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.20676 of 2023

And

Crl.M.P.Nos.14113 and 14220 of 2023

Sugavanam Vijayakumar

... Petitioner

Vs.

G.Karthik

... Respondent

Prayer:

Petition filed under Section 482 of Cr.P.C., seeking to call for the records relating in C.C.No.4111 of 2019 on the file of the Metropolitan Magistrate, FTC-V Saidapet, Chennai – 15 and quash the same as against the petitioner.

For Petitioner : Mr.S.Shunmugavelayutham
Senior Counsel
for M/s.R.T.Vijayaraaghavan
For Respondent : Mr.G.Peranban

O R D E R

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



Crl.O.P.No.20676 of 2023

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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 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 below at the time of questioning under Section 313 Cr.P.C and at the time of passing of the final judgement.



Crl.O.P.No.20676 of 2023

WEB COPY

4. Accordingly, this criminal original petition is dismissed and the Court below is directed to complete the proceedings in C.C.No.4111 of 2019, within a period of three months from the date of receipt of copy of this order. Consequently, the connected miscellaneous petitions are closed.

30.01.2024

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Index: Yes/ No

Speaking Order: Yes/ No

NCC: Yes/ No

To

1.The Metropolitan Magistrate,
FTC-V Saidapet,
Chennai – 15.

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



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N.ANAND VENKATESH,J.
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