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Crl.O.P.No.19128 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.19128 of 2023

And

Crl.M.P.Nos.12821 and 12818 of 2023

K.P.Natarajan

... Petitioner

Vs.

M/s.State Bank of India
(Commercial Branch)
having its office at
No.68, Cherry Road,
Hasthampatty,
Salem – 636 007.
Rep. by its Deputy Manager,
Mr.S.Pradeep Kumar

... Respondent

Prayer:

Petition filed under Section 482 of Cr.P.C., seeking to call for the records and to quash the impugned complaint in S.T.C.No.1512 of 2023 pending trial on the file of the learned Judicial Magistrate No.III, Salem for the alleged offence under Sections 138 and 142 of the Negotiable Instruments Act, 1881.

For Petitioner : Mr.V.Karthic
Senior Counsel
for M/s.N.Damodaran
For Respondent : Mr.Nithyaesh Nataraj



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ORDER

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The criminal original petition has been filed challenging the proceedings in S.T.C.No.1512 of 2023, on the file of the learned Judicial Magistrate No.III, Salem.

2.The main issue that is involved in this petition is as to whether the cheque was signed by the petitioner and by his son K.P.N.Rajesh. In the reply notice that was given to the statutory notice, a specific stand was taken to the effect that the cheque was neither signed by the petitioner nor by his son. However, in the quash petition, a stand has been taken to the effect that it is only the son who has signed the cheque and not the petitioner.

3.The grounds raised by the learned Senior 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



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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.

4.The learned Senior 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.

5.Accordingly, this criminal original petition is dismissed and the Court below is directed to complete the proceedings in S.T.C.No.1512 of 2023, within a period of three months from the date of receipt of copy of this order. Consequently, the connected miscellaneous petitions are closed.

06.02.2024

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Index: Yes/ No
Speaking Order: Yes/ No
NCC: Yes/ No

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N.ANAND VENKATESH,J.
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To

- 1.The Judicial Magistrate No.III,
Salem.
- 2.The Public Prosecutor,
High Court of Madras,
Chennai 600 104.

Crl.O.P.No.19128 of 2023
And
Crl.M.P.Nos.12821 and
12818 of 2023

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