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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.19836 of 2023

1.B.Senniappan

2.D.Sachithanantham

...Petitioners

.Vs.

M/s.Sri Brindhhaa Investments
A Partnership firm
Rep.by its Power of Attorney Agent
K.Hanumantha Rao
Having Office at, Site Nos.10-13
Ramasamy Muthammal Street
Palladam Road, Tiruppur Taluk
Tiruppur District.

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records in STC No.2562 of 2022, on the file of the Judicial Magistrate, Fast Track Court, Tiruppur and quash the same

For Petitioners : Mr.V.G.Suresh Kumar

For Respondent : Mr.Arun Anbumani
for Mr.K.S.Karthik Raja

**ORDER**

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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 petitioners 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 petitioners 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 petitioners requested this Court to dispense with the presence of the petitioners. Taking into consideration, the facts and circumstances of the case, the presence of the petitioners is dispensed with and they 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 judgment.



4. Accordingly, this Criminal Original Petition is disposed of and the Court below is directed to complete the proceedings in STC No.2562 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

Judicial Magistrate, Fast Track Court, Tiruppur.



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