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Crl.O.P No.24284 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.02.2024

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.24284 of 2023
and Crl.MP.No.16896 of 2023

Venkatata Reddy
C/o.M/s.Srinivasa Seeks & Pesticides
Shop No.7, Seetharama Complex
Station Road
Warangal 605 002.

... Petitioner/Accused

.VS.

Ag-grow Products Limited
Rep.by its Authorized Signatory
V.R.Ethiraja Sampath Kumar
S/o.Ramalkrishnaiah Chetty
as per amendment order in
Crl.MP.1942 of 2018 dated 6.7.2018.

.. Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to invoke in its inherent powers in favour of the petitioner/accused and to call for the records from the Hon'ble Metropolitan Magistrate, FTC I, Egmore (Allikulam), Chennai, pertaining to STC No.5368 of 2021 and quash the same.

For Petitioner : Mr.T.S.N.Prabhakaran

For Respondent : Mrs.J.Jothi



ORDER

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This petition has been filed challenging the proceedings initiated by the respondents 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. The Court below shall get a bond executed by the petitioner under Section 88 of Cr.PC.



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4. Accordingly, this Criminal Original Petition is dismissed and the Court below is directed to complete the proceedings in STC No.5368 of 2021, within a period of **three months** from the date of receipt of copy of this order. Consequently, the connected miscellaneous petition is also closed.

08.02.2024

Index : Yes/No
Speaking Order/Non-Speaking Order
Neutral citation : Yes/No
KP

To
Metropolitan Magistrate, FTC I,
Egmore (Allikulam), Chennai.



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N. ANAND VENKATESH., J

KP

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