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CRL.O.P No.26409 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.02.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P No.26409 of 2023
and Crl.MP.Nos.18351 and 18353 of 2023

A.Subeka

...Petitioner

Vs.

Mrs.R.Jayarani (deceased)
Proprietrix off M/s. J2R Enterprises,
W/o. K.Raju
Represented by her power of attorney
Mr.R.Ashok

Mr.R.Ashok,
S/o.Raju and late R.Jayarani
(Substituted as per the order passed in
Crl.MP.No.33188/2023 in STC.No.6697/2022
dated 05.08.2023)

...Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, praying to call for the records in STC.No.6697 of 2022 pending on the file of learned Hon'ble Metropolitan Magistrate, Fast Track Court No.II, Egmore and quash the same as the complaint against the petitioner/4th accused is liable to be quashed.



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For Petitioner : Mr.David Tyagaraj
For Respondent : Mr.A.Thiyagarajan, Senior Counsel
for M/s.D.Chandrasekar

ORDER

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 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



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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 judgment.

4. Accordingly, this Criminal Original Petition is disposed of and the Court below is directed to complete the proceedings in STC.No.6697 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.

22.02.2024

Index: Yes/No
Internet: Yes/No
pvs



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To

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1. The Metropolitan Magistrate,
Fast Track Court No.II, Egmore
2. The Public Prosecutor,
High Court, Madras



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N.ANAND VENKATESH.J.,

pvs

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