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CrI.O.P.(MD)No.13083 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **14.03.2024**

CORAM:

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

CrI.O.P.(MD) No.13083 of 2022

and

CrI.M.P.(MD).No.8316 of 2022

M.Karthickprabhu

... Petitioner

Vs.

SP.Uthaman,
Partner,
Shree Nagman Consultancy Services,
Represented by his Power of Attorney,
S.Kathirvel,
No.33, Alagusundaram Nagar 2nd Street,
Palanganatham,
Madurai.

...Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to quash the complaint filed by the respondent against the petitioner in S.T.C.No.351 of 2022, pending on the file of the Judicial Magistrate Court (Fast Track Court II), Madurai.

For petitioner

: Mr.S.Anand Chandrasekar
for M/s.Sarvabhauman Associates

For Respondent

: No Appearance



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ORDER

This petition has been filed seeking to quash the complaint filed by the respondent against the petitioner in S.T.C.No.351 of 2022, pending on the file of the Judicial Magistrate Court (Fast Track Court II), Madurai, for the offence punishable under Sections 138 and 141 of Negotiable Instruments Act read with 200 Cr.P.C.

2. Though notice has been served on the respondent, none appears on behalf of the respondent.

3. It is submitted by the learned counsel for the petitioner that the respondent has filed S.T.C.No.351 of 2022 on the file of the learned Judicial Magistrate Court (Fast Track Court II), Madurai, on the ground that the cheques given by the petitioner were dishonored. Challenging the same, the present petition has been filed.

4. In the above circumstances, the trial court has rightly taken the case on file and this Court is of the considered view that no prejudice would be caused to the petitioner, if he is subjected to due trial as sufficient opportunity would be given to the petitioner to put forth his



defence. The petitioner cannot be let by quashing the charges framed against him as that would completely undermine the alleged act, which is the subject matter of criminal trial pending against him. Useful reference in this regard can be made to the decision of the Hon'ble Apex Court in ***State of Haryana – Vs - Bhajan Lal (1992 SCC (Crl.) 426)***

5. For the reasons aforesaid, this Court finds no ground or scope to quash S.T.C.No.351 of 2022 pending on the file of the Judicial Magistrate Court (Fast Track Court No.II), Madurai. Accordingly, this Criminal Original Petition is dismissed. Consequently, the connected miscellaneous petition is closed.

6. At this juncture, the learned counsel appearing for the petitioner would submit that this Court may consider to dispense with the personal appearance of the petitioner before the court below. Taking into consideration the request as made by the learned counsel for the petitioner, the appearance of the petitioner before the trial court is dispensed with except for his appearance for the purpose of receiving the copy of the proceedings u/s 207 Cr.P.C., framing of charges, questioning under Section 313 Cr.P.C. and on the day on which judgment is to be pronounced. However, if for any particular reason, the presence of the



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petitioner is necessary, the trial court, at its wisdom, shall direct his appearance on those days. Liberty is granted to the petitioner to work out his remedy in the manner known to law.

14.03.2024

Index : Yes/No
Internet : Yes/No
TSG

To

1.The Judicial Magistrate Court (Fast Track Court No.II),
Madurai.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI. J.

TSG

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