



Crl.O.P.(MD)No.14678 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **14.03.2024**

CORAM:

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

Crl.O.P.(MD) No.14678 of 2022

and

Crl.M.P.(MD).Nos.9527 & 14717 of 2022

1.E.Mas Health Care India Limited,
Represented by its Chief Executive Officer,
V.Rajapandi

2.V.Rajapandi

... Petitioners

Vs.

Seethalakshmi

...Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to the proceedings in C.C.No. 696 of 2021 on the file of the learned Judicial Magistrate No.II, Dindigul and quash the same as against the petitioners.

For petitioners : Mr.A.P.Muthupandian

For Respondent : Mr.R.Shankar Ganesh

ORDER

This petition has been filed seeking to quash the proceedings in C.C.No.696 of 2021 on the file of the learned Judicial Magistrate No.II, Dindigul, insofar as the petitioners are concerned.



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2. The learned counsel appearing for the petitioners would submit that the respondent has filed a complaint against the petitioners under Sections 138 and 142 of the Negotiable Instruments Act, alleging that the second petitioner had issued five cheques i.e., two cheques issued in the name of EMASS Health Care India Limited and three cheques issued on behalf of ASEEL India. He would further submit that the respondent has filed five cheques in the one complaint which is not permissible one. However, the said ASEEL India Company has not been added as a party in the private complaint. Hence, the proceedings in C.C.No.696 of 2021 is liable to be quashed.

3. The learned counsel appearing for the respondent would submit that there are materials available to proceed with the case as against the petitioners herein and at the threshold, the criminal proceedings cannot be quashed and the charges against the petitioners have to be gone into only at the time of trial and hence, he prayed for dismissal of the petition.

4. This Court perused the records and it reveals that the respondent / complainant has added only EMASS Health Care India Limited, which has issued two cheques as a party in the private



complaint and not added ASEEL India, which has issued three cheques as a party. It is further seen that the ground raised by the petitioners cannot be a reason to quash the private complaint and the same has to be decided only by the trial Court and not by this Court under Section 482 of Cr.P.C.

5. For the reasons aforesaid, this Court finds no ground or scope to quash C.C.No.696 of 2021 pending on the file of the learned Judicial Magistrate No.II, Dindigul. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petitions are closed.

6. At this juncture, the learned counsel appearing for the second petitioner requests before this Court to permit him to canvass all those points raised in this petition before the trial Court at the time of trial and further requests that this Court may consider to dispense with the personal appearance of the second petitioner before the court below.

7. Taking into consideration the request as made by the learned counsel for the second petitioner, the appearance of the second petitioner before the trial court is dispensed with except for his



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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 second petitioner is necessary, the trial court, at its wisdom, shall direct his appearance on those days. Liberty is granted to the second petitioner to canvass all those points raised in the present petition before the trial Court at the time of trial.

8. In view of the above, the Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petitions are closed.

14.03.2024

Index : Yes/No

Internet : Yes/No

TSG

To

1. The Judicial Magistrate No.II, Dindigul.

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



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M.DHANDAPANI. J.

TSG

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