



CrI.O.P.No.26649 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :22.01.2025

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

CrI.O.P.No.26649 of 2024 and
CrI.M.P.Nos.14789 and 14791 of 2024

V.Kishore Kumar

... Petitioner

Vs.

Karunanithy

... Respondent

Prayer: Criminal Original Petition filed under Section 528 of B.N.S.S. to call for the entire records in C.C.No.1533 of 2019 on the file of the Judicial Magistrate and quash the same in respect of petitioner/2nd accused.

For Petitioner : Mr.S.Lakshmi Narayanan

For Respondent : Notice Served (No Appearance)



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ORDER

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This Criminal Original Petition has been filed by the petitioner/second accused to quash the case against him in C.C.No.1533 of 2019 on the file of the Judicial Magistrate, Puducherry.

2. Despite notice served and name printed, there is no representation for the respondent.

3. Heard the learned counsel for the petitioner and perused the materials available on record.

4. It is seen that the respondent has filed a complaint in C.C.No.1533 of 2019 before the Judicial Magistrate, Puducherry, against three persons in which, the petitioner has been shown as A2. Pending C.C., the petitioner has filed the present petition to quash the C.C. insofar as the petitioner is concerned.

5. A reading of the complaint filed by the respondent shows that it is a case of belated payment and there are prima facie allegations as against the



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petitioner. Further, the grounds taken by the petitioner are matter for trial which

can be decided only after trial for which, the petitioner has to file counter and
agitate before the Magistrate. This Court can only see as to whether there is
any prima facie allegation in the complaint. A reading of the complaint shows
that there is a prima facie allegation against the petitioner.

6. Therefore, this Criminal Original Petition is dismissed. Consequently,
connected Miscellaneous Petitions are closed.

7. The petitioner is at liberty to take all his defense before the
Magistrate in the pending C.C.

22.01.2025

Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No

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To

The Judicial Magistrate
Puducherry.



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P.VELMURUGAN. J.

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