



Crl.O.P.No.29044 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.10.2025

CORAM:

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No. 29044 of 2025

&

Crl.M.P.Nos. 19681 & 19682 of 2025

S.Krishnan

... Petitioner

Vs.

K.Kaliappan

... Respondent

PRAYER : Criminal Original Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, to call for the entire records in STC.No.848 of 2024 on the file of the learned Judicial Magistrate, Perundurai, Erode District, and quash the proceedings therein as against the petitioner herein.

For Petitioner : Mr. T.Shanmugam



Crl.O.P.No.29044 of 2025

ORDER

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This criminal original petition is filed seeking to quash the proceeding in STC.No.848 of 2024, on the file of the Judicial Magistrate, Perundurai, Erode, for offences under Sections 138 and 142 of the Negotiable Instrument Act, 1881 and Section 223 of BNSS.

2. The learned counsel for the petitioner would submit that the petitioner does not know the complainant in person; the petitioner is a building contractor in Tirunelveli and certain signed cheques which were in his custody went missing; the petitioner had lodged a complaint on 13.06.2023 before the Medical College Police Station, Tirunelveli and enquiry is pending in CSR.No.150 of 2023.

3. The learned counsel for the petitioner would further submit that the petitioner has a got good case. Therefore, he prayed that the proceeding against the petitioner may be quashed.



Crl.O.P.No.29044 of 2025

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4. Heard the learned counsel for the petitioner and perused the records.

5. The STC is of the year 2024. The petitioner has given a complaint, which is registered in CSR.No.150 of 2023. If the petitioner's cheques have been really lost, it is a matter for trial. The petitioner is entitled to raise those grounds before the Trial Court. The petitioner has not made out any grounds for quashing the proceedings. In view of the above, the petition lacks merits and is liable to be dismissed.

6. At this juncture, the learned counsel for the petitioner would submit that the petitioner is from Tirunelveli and he has to travel all the way to Erode, to attend the proceeding. Therefore, he submits that the petitioner's presence may be dispensed with before the Trial Court.



7. Acceding to the above request, the petitioner's appearance before the learned Judicial Magistrate, Perundurai, Erode, is dispensed with, on the following conditions:

(i)The petitioner will be duly represented by a learned counsel on all hearings without fail;

(ii)The petitioner shall file an affidavit of undertaking stating that he will not dispute his identity and will not take unnecessary adjournments;

(iii)The petitioner shall appear before the Trial Court for receipt of copies, answering the charges, questioning u/s 313 Cr.P.C, passing of judgement and for any other purpose as may be required by the Trial Court for the progress of trial;

(iv)If the petitioner fails to appear before the Trial Court, the learned Judicial Magistrate, Perundurai, Erode, shall issue warrant of arrest, against the petitioner; and

*(v)If the petitioner adopts any dilatory tactics, it is open to the Trial Court to insist for his appearance and deal with him in accordance with the judgement of the Supreme Court of India in **State of Uttar Pradesh Vs. Shambunath Singh**, reported in 2001 (4) SCC 667.*



Crl.O.P.No.29044 of 2025

WEB COPY 8. With the above direction, this criminal original petition is dismissed. Consequently, the connected criminal miscellaneous petitions are closed.

27.10.2025

Neutral Citation: Yes/No
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Crl.O.P.No.29044 of 2025

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To

1.The Judicial Magistrate,
Perundurai,
Erode District.

2.The Public Prosecutor,
Madras High Court,
Chennai.



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Crl.O.P.No.29044 of 2025

A.D.JAGADISH CHANDIRA, J.

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Crl.O.P.No. 29044 of 2025

27.10.2025