

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 6-10-2015

Coram

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CrI.O.P.No.22633 of 2015

CrI.O.P.No.23640 of 2015

CrI.O.P.No.24892 of 2012 & M.P.No.1, 2 of 2012

M/s.B.G.M.Exporters,
rep.by its Proprietor P.Rajendran,
No.38, SNVS Layout, 4th Street,
Kongu Nagar, Tirupur-7,
Tirupur District. ... Petitioner

Vs.

M/s.Upasana Finance Ltd.,
No.96/1, Ganesh Towers,
Luz Church Road,
Mylapore, Chennai - 4,
rep.by its Assistant Manager,
H.Subramanian ... Respondent

Criminal Original Petition filed under Section 482 of Cr.P.C. with a prayer to call for the records pertaining to impugned complaint in C.C.No.2723 of 1999, pending on the file of XVIII Metropolitan Magistrate's Court, Saidapet, Chennai-15 and quash the same.

For Petitioner : Mr.R.Veeramani
For Respondent : Mr.Manoj Sreevalsan

O R D E R

The complainant/respondent herein has launched a prosecution against the accused/petitioner herein in C.C.No.2723 of 1999 before the XVIII Metropolitan Magistrate, Saidapet, Chennai, for the offence under Section 138 of Negotiable Instruments Act, 1881.

2. Now it appears that the complainant and the accused have arrived at an amicable settlement. An affidavit sworn by R.Somasundaram, Manager working in M/s.Upasana Finance Ltd., (complainant) has been filed wherein it is stated as follows:

"3. That during the pendency of these proceedings, this respondent and the above petitioners negotiated and arrived at a

settlement. The terms of the said compromise was reduced in writing and filed before this Hon'ble Court in Civil Suit (C.S.) No.665 of 2001.

4. By this joint memorandum of compromise, the parties have given decent burial to their differences and amicably settled their dispute. The civil suit was disposed of in terms of said compromise. I crave leave of this Hon'ble Court be pleased to consider the judgment and decree dated 23.06.2015 made in C.S.No.665 of 2001 as part and parcel of this affidavit.

5. In view of the above, I have no objection and consent for quashing the following criminal complaints i.e,

- i. C.C.No.2723/99 on the file of XVIII MM Court, Saidapet.
- ii. C.C.No.10036/2008 on the file of XI MM Court, Saidapet, &
- iii. C.C.No.1629/2012 on the file of XI MM Court, Saidapet."

3. In view of the above, this petition is allowed and the prosecution in C.C.No.2723 of 1999 on the file of XVIII Metropolitan Magistrate, Saidapet, Chennai, is hereby quashed.

vr

-s/d-

Assistant Registrar (CS-III)

True Copy

Sub-Assistant Registrar

To

1. XVII Metropolitan Magistrate, Saidapet, Chennai.
2. Thro the Chief Metropolitan Magistrate, Chennai.

+ 1 cc to Mr.R.Veeramani, Advocate SR 54187

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Cr1.O.P.No.22633 of 2015