

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.04.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.OP No.8866 of 2015 and
M.P.No.1 of 2015

R.Janarthan .. Petitioner/Petitioner/Accused
Vs
Thiru.Manish Agarwal ... Respondent/Respondent/Defacto
Complainant

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records pertaining to the order in unnumbered memo of 2015 in S.T.C.No.94/2014 dated 18.03.2015 passed by the learned Judicial Magistrate Fast Track Court (Magisterial Level) at Ambattur and set aside the same and thereby direct the learned Judicial Magistrate, Ambattur to refer the case to Lok Adalat for settlement.

For Petitioner :Mr.M.V.Muralidharan

ORDER

Seeking to quash the order in unnumbered memo of 2015 in S.T.C.No.94/2014 dated 18.03.2015 passed by the learned Judicial Magistrate Fast Track Court (Magisterial Level) at Ambattur and direct the learned Judicial Magistrate, Ambattur to refer the case to Lok Adalat for settlement, the petitioner has come up with this petition.

2.The petitioner is an accused in C.C.No.94 of 2014 for offence under Section 138 of the Negotiable Instruments Act. According to the petitioner, the cheque amount in this case is Rs.3 lakhs and that he is ready and willing to pay the said amount of Rs.3 lakhs to the defacto complainant as full and final settlement and that the defacto complainant is not willing to accept the same.

3.The petitioner appears to have filed a memo dated 17.03.2014 before the learned Judicial Magistrate enclosing photo copy of demand draft for Rs.3 lakhs. But, the learned Judicial Magistrate has passed an order stating that the defacto complainant is not agreeable for the amount of Rs.3 lakhs and by saying so, the learned Judicial Magistrate has taken the memo on file.

4.In my considered opinion, the learned Judicial Magistrate

cannot do anything beyond this. He cannot compel the defacto complainant to accept the said amount of Rs.3 lakhs.

5.The learned counsel for the petitioner submits that the matter may be referred to Lok Adalat.

6.In view of the above, the Criminal Original Petition is dismissed however, with liberty to the petitioner to approach the Tamil Nadu State Legal Services Authority attached to Fast Track Court, Ambattur, Tiruvallur District to list the matter before the Lok Adalat. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

jbm
To

1.The Judicial Magistrate,
Fast Track Court (Magisterial Level),
Ambattur.

2.The Public Prosecutor,
High Court, Madras.

1 cc to Mr. M.V.Muralidharan, Advocate, SR.No.19641

ad(co)
pmk.22.4.2015

Crl.OP No.8866 of 2015

सत्यमेव जयते

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