

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.10.2016

C O R A M

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Crl.O.P.No.12594 of 2016

Latha Jenifer

...Petitioner

Vs.

Chitra

... Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C to call for the records relating to proceedings of C.C.No.198 of 2014 on the file of Court of Fast Track (Magistrate level) Poonamallee, Chennai, Quash the same.

For Petitioner : M/s.I.Arockia Selvaraj

ORDER

This criminal original petition has been filed to call for the records relating to proceedings in C.C.No.198 of 2014 on the file of the Court of Fast Track (Magistrate level) Poonamallee, Chennai and quash the same.

2. Heard the learned counsel appearing for the petitioner.

3. On 17.06.2016, this Court passed the following order:

“This petition has been filed to call for the records relating to proceedings in C.C.No.198 of 2014 on the file of the Court of Fast Track (Magistrate level) Poonamallee, Chennai, quash the same.

2. Heard the learned counsel for the petitioner.

3. It is seen that this petitioner is facing prosecution in C.C.No.198 of 2014 before the Fast Track Court (Magisterial level) for an offence under Section 138 of the Negotiable Instruments Act, challenging which this quash petition has been filed. It is seen that the trial in C.C.No.198 of 2014 has commenced and P.W.1 has also been cross examined by the petitioner. Therefore, at this stage, this Court cannot interfere and quash the prosecution.

4. Learned counsel for the petitioner submits that the petitioner is ready and willing to settle with the complainant. Recording his submission, the learned Judicial Magistrate, Fast Track Court, Poonamallee, Chennai is directed to immediately send the matter either to the local Mediation Centre or to the local District Legal Services Authority for bringing about a settlement between the parties and the learned Magistrate shall ensure that the settlement proceedings are completed within one month from the date of reference, failing which the matter should be recalled and the trial should proceed. The petitioner shall furnish a bond u/s 88 Cr.P.C.,1973 for Rs.10,000/- [Rupees ten thousand only] with two sureties to the satisfaction of the learned Judicial Magistrate, Fast Track Court, Poonamallee.

With the above direction, this petition is closed.”

4. The Judicial Magistrate, Fast Track Court, Magisterial Level No.-II, Poonamallee, has sent a report dated 24.08.2016 in which he has stated that the matter was settled before the Lok Adalat on 20.08.2016 and a copy of the award has also been enclosed.

5. On reading the award, it is seen that the accused has agreed to pay a total sum of Rs.2,00,000/- (Rupees two lakhs only) to the complainant in five installments, of which Rs.5,000/- (Rupees five thousand only) has already been paid. The accused has undertaken to pay the last installment of Rs.45,000/- (Rupees forty five thousand only) to the complainant on or before 25.04.2017.

6. Recording the same, this quash petition is closed with a further direction to the Legal Services Authority, Poonamallee, to monitor the undertaking given by the accused. If the accused fails to settle the agreed sum before 25.04.2017, the Lok Adalat is directed to refer the matter to the trial Court for regular trial.

18.10.2016

kmi

P.N.PRAKASH, J.

kmi

To

1. The District Legal Services Authority,
Poonamallee.(S.T.C.No.77/2016)
2. The Judicial Magistrate,
Fast Track Court, Poonamallee, Chennai.
3. The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.12594 of 2016

18.10.2016