

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.07.2016

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Crl.OP.No.14707 of 2016

and

Crl.M.P.No.7327 of 2016

M.Raja

...Petitioner

Vs.

G.Padmanaban

...Respondent

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for the records in connection with S.T.C.No.426 of 2016 on the file of the Court of the Judicial Magistrate in Hosur and quash the same.

For Petitioner : Ms.G.Pachaiammal

O R D E R

This petition has been filed to quash the proceedings in S.T.C.No.426 of 2016 on the file of the Judicial Magistrate Court-II, Hosur.

2. Heard the learned counsel for the petitioner and perused the materials placed on record.

3. For the sake of convenience, the parties will be referred to as complainant and accused. It is the case of the complainant that the accused has borrowed Rs.3,85,000/- on 18.05.2015 and in discharge of the debt, he had given a cheque dated 19.12.2015 for the said amount, which was dishonoured. The complainant issued a statutory notice dated 11.01.2016 and since the accused did not make the payment, the complainant has filed the present complaint in STC.No.426 of 2016 before the learned Judicial Magistrate-II, Hosur, under Section 138 of Negotiable Instruments Act against the accused. Challenging which, the accused is before this Court.

4. Learned counsel appearing for the accused submitted that the complainant had threatened the accused and had obtained blank promissory notes and cheques and has thereafter filled the same.

5. In the considered opinion of this Court, these are disputed question of facts, which cannot be gone in to in a quash petition under Section 482 Cr.P.C., in the light of the law laid down by the Hon'ble Supreme Court in S.Krishnamurthy Vs Chellammal [2015] 4 Scale 371.

In the result, this petition stands dismissed, with liberty to the accused to raise all the points before the trial Court. Consequently, connected Miscellaneous Petition is closed.

6. However, learned counsel for the accused submitted that the parties may be directed to appear before Mediation Centre to bring out an amicable settlement.

7. Accepting his submission, this Court directs the learned Judicial Magistrate-II, Hosur to send the parties in STC.No.426 of 2016, either before the local Mediation Centre or before the Legal Services Authority to bring out a settlement. The mediation proceedings shall be completed within a period of one month from the date of reference by the learned Judicial Magistrate-II, Hosur.

gya

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

The Judicial Magistrate Court-II, Hosur.

+ 1 cc to M/s.M.D.THIRUNAVUKKARASU, ADVOCATE SR 42285

KR/4/8/16

Cr1.OP.No.14707 of 2016

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