

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 10.08.2016

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.OP.No.9713 of 2010
and M.P.Nos.1 & 2 of 2010

S.Chidambaram ... Petitioner/Accused

Vs

SP.Nachiappan ... Respondent/Complainant

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to call for the records relating to the proceedings in CC No.566 of 2010 on the file of the learned XXIII Metropolitan Magistrate, Saidapet, Chennai-600 015 and to quash the same.

For Petitioner : Ms.AL.Ganthimathi

For Respondent : Mr.T.P.Sekar

O R D E R

This petition has been filed to quash the proceedings in CC.No.566 of 2010 on the file of the learned XXIII Metropolitan Magistrate, Saidapet, Chennai.

2. Heard the learned counsel for the petitioner; learned Additional Public Prosecutor appearing for the respondent and perused the materials placed on record.

3. It is seen that SP.Nachiappan has lodged a complaint in CC.No.556 of 2010 before the learned XXIII Metropolitan Magistrate, Saidapet, Chennai, against S.Chidambaram under Section 138 of Negotiable Instruments Act. For quashing the same, S.Chidambaram is before this Court on the ground that the parties have arrived at a compromise.

4. S.Chidambaram has filed an affidavit, wherein, he has stated as follows:

"1. I am the petitioner herein and as such I am well acquainted with the facts of the case.

2.

I submit that the above Crl.OP was filed

challenging the proceedings in CC.No.566 of 2010 on the file of the XXIII Metropolitan Magistrate, Saidapet, Chennai. The said Crl.OP was posted for hearing before this Hon'ble Court and was also listed before the Lok Adalat. Later the matter ended in a compromise and the petitioner herein agreed to pay a sum of Rs.4.00 Lakhs to the respondent in full and final settlement in four installments. Accordingly the petitioner herein has also paid four installments as per the orders of this Hon'ble Court and the last installment was paid by way of cheque dated 23.09.2011. As such I respectfully submit that the entire amount has been paid and the matter has been settled between the parties.

Hence I pray that this Hon'ble Court may be pleased to quash the proceedings in CC.No.566 of 2011 on the file of the XXIII Metropolitan Magistrate, Saidapet, Chennai recording the fact that the amount of Rs.4.00 Lakhs has been paid to the respondent as per the compromise arrived at between the parties before this Hon'ble Court."

5. Mr.T.P.Sekar, learned counsel appearing for SP. Nachiappan submitted that the parties have arrived at a compromise and therefore, there is no objection in the prosecution being quashed.

6. Recording the submissions, this petition is allowed and the prosecution in C.C.No.566 of 2010 before the learned XXIII Metropolitan Magistrate, Saidapet, Chennai is hereby quashed. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
सत्यमेव जयते

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

The XXIII Metropolitan Magistrate,
Saidapet, Chennai.

CRL.OP.No.9713 of 2010
and M.P.Nos.1 & 2 of 2010

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kra 31.08.2016