

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.12.2016

CORAM

THE HONOURABLE MR. JUSTICE C.T.SELVAM

Crl.R.C.No.1570 of 2016

and

Crl.M.P.No.12844 of 2016

N.Purushothaman
S/o.Narayanaswamy

... Petitioner

Vs.

C.N.Ravi Sagar,
Managing Director,
M/s.Sunsea Aviation Services (P) Ltd.,
No.51, 1st Floor,
Motilal Street, T.Nagar,
Chennai - 600 017.

... Respondent

सत्यमेव जयते

Criminal Revision filed under Section 397 and 401 Cr.P.C. against the order of learned Metropolitan Magistrate, George Town, Chennai, passed in Crl.M.P.No.4920 of 2016 in C.C.No.1069 of 2013 on 03.10.2016.

For Petitioner : Mr.B.Narayanan

ORDER

This revision arises against the order of learned Metropolitan Magistrate, George Town, Chennai, passed in CrI.M.P.No.4920 of 2016 in C.C.No.1069 of 2013 on 03.10.2016.

2. Petitioner/complainant preferred a complaint u/s.138 of the Negotiable Instruments Act against respondent, which was taken on file in C.C.No.1069 of 2013 on the file of learned Metropolitan Magistrate, Fast Track Court IV, George Town, Chennai. Amidst other exhibits, petitioner/complainant marked Ex.P9, a letter under which DW-2 allegedly agreed to pay the balance due to the complainant under instructions of the accused. In cross, DW-2 admitted the signature but denied having written the contents of the letter. Petitioner/complainant, hence, moved CrI.M.P.No.4920 of 2016 towards obtaining the opinion of the handwriting expert. On the dismissal of such petition, the present revision has been filed.

3. Heard learned counsel for petitioner.

4. Though a limited question is raised in this revision, this Court considers it appropriate to exercise powers u/s.482 Cr.P.C. to quash the criminal complaint case alleging offence u/s.138 of the Negotiable Instruments Act pending in C.C.No.1069 of 2013 on the file of Metropolitan

to do so on the admitted position that the respondent/accused was arrested and the cheque giving rise to the cause of action was obtained at the police station as a consideration for petitioner not opposing the bail plea of the accused. Arrangements worked out between parties at police station cannot but be seen as opposed to public policy and offending Section 23 of the Contracts Act, rendering them void.

For the said reason, the Criminal Revision Case shall stand dismissed. The proceedings in C.C.No.1069 of 2013 on the file of Metropolitan Magistrate, Fast Track Court IV, George Town, Chennai, shall stand quashed. This order is without prejudice to petitioner's recourse to appropriate proceedings to establish his rights. Connected miscellaneous petition is closed.

19.12.2016

Index:yes/no
Internet:yes/no
gm

To

The Metropolitan Magistrate,
George Town,
Chennai.

C.T.SELVAM, J

gm



Crl.R.C.No.1570 of 2016

WEB COPY

19.12.2016