

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.08.2017

CORAM

THE HONOURABLE Mr.JUSTICE M.S.RAMESH

Crl.O.P.No.601 of 2017
& Crl.M.P.Nos.443 & 444 of 2017

T.Senthil Arumugam

.. Petitioner/Accused

Vs

L.Xavier Alosis Nathan

.. Respondent/Complainant

Criminal Original Petition filed under Section 482 of Cr.P.C. to call for the records pertaining in C.C.No.2384 of 2016 on the file of XVII Metropolitan Magistrate, Saidapet, Chennai and quash the same.

For Petitioner : Mr.R.Ramesh Raja

For Respondent : Mr.T.R.Sundaram

WEB COPY

ORDER

The only ground raised by the petitioner is that there is no pre-existing liability subsisting between the petitioner and the complainant.

When the matter was called today, learned counsel appearing for the respondent submitted that the petitioner had earlier issued a notice on 14.07.2014 wherein, he had specifically admitted the liability as follows:

"As stated in the legal notice dated 02.06.2014 my client has received Rs.2,00,000/- from your client on behalf of Mr.Thirumallaiappan Advocate. My client further states that on the very next day my client handed over Rs.2,00,000/- to the said Mr.Thirumallaiappan, Advocate. In fact my client had spent huge money on his own to get details and other documents of above said property."

2. The receipt of Rs.2,00,000/- has not been denied by the complainant and whether or not the petitioner has re-paid the said Rs.2,00,000/- is the matter to be elicited during trial. This Court exercising its inherent powers under Section 482 Cr.P.C. will not entertain these mixed question of facts.

3. In view of the same, this Criminal Original Petition is dismissed. At this stage, learned counsel for the petitioner submitted that settlement talks are going between the petitioner and the respondent and that they would amicably resolve the dispute among themselves. It is

needless to point out that it is always open to the petitioner to settle the dispute amicably with the respondent/defacto complainant even pending the proceedings. Consequently,connected miscellaneous petitions are closed.

08.08.2017

Index : Yes/No
Speaking/Non speaking order
smi

To

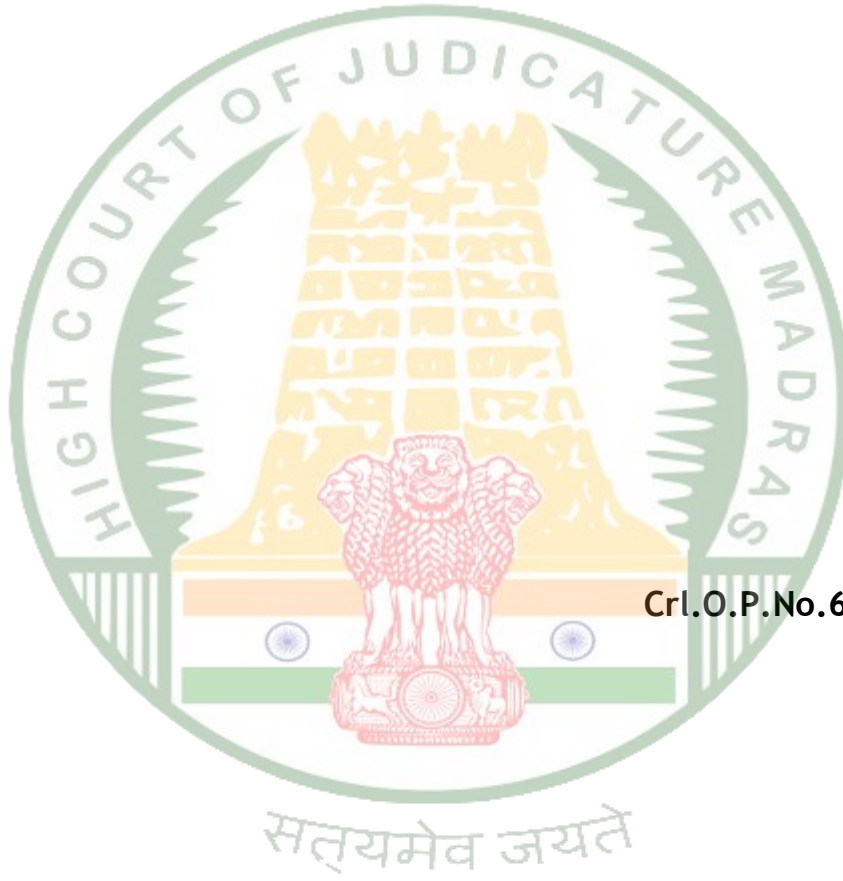
- 1.The XVII Metropolitan Magistrate,
Saidapet, Chennai.
- 2.The Public Prosecutor,
High Court, Madras.



WEB COPY

M.S.RAMESH, J.

smi



Crl.O.P.No.601 of 2017

WEB COPY

08.08.2017