

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.03.2017

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Cr1.R.C.No.318 of 2014
and
M.P.Nos.1 and 2 of 2014

S.Rajalakshmi Petitioner/Accused

Vs.

M/s. Vinitha Associates Ltd.,
Rep. by its Director,
Mr.R.Sumerchand Bafna,
No.8/1, Cenotaph Road,
1st Lane, Teynampet,
Chennai - 600 018. Respondent/Complainant

Prayer:- Criminal Revision Case filed under Section 397 r/w. 401 of Cr.P.C., praying to set aside the order dated 25.09.2013 in C.C.No.17594 of 2009 on the file of the Fast Track Court No.III, Metropolitan Magistrate Court, Saidapet, Chennai.

For Petitioner : Mr.R.Natarajan
For Respondent : Mrs.Aruna Ganesh

ORDER

This criminal revision case is filed by the petitioner seeking to set aside the order dated 25.09.2013 in C.C.No.17594 of 2009 on the file of the Fast Track Court No.III, Metropolitan Magistrate Court, Saidapet, Chennai.

2. The respondent herein has initially filed a private complaint against the petitioner before the XVII Metropolitan Magistrate, Chennai, now the same is pending before the Fast Track Court No.III, Metropolitan Magistrate Court, Saidapet, Chennai.

3. The above complaint has been filed by the respondent for an offence punishable under Section 138 of the Negotiable Instruments Act and the trial Court taken cognizance of the offence and issued summons to the petitioner/accused. Thereafter, the petitioner has filed a complaint against the respondent herein before the Inspector of Police, J-2 Adyar Police Station, Chennai, for the offences under Sections 420

and 506(ii) of IPC and the same was registered in Crime No.306 of 2010. The above F.I.R. is pending investigation. Thereafter, the petitioner, again filed an application before the Court below under Section 210 of Cr.P.C. to stay all further proceedings in C.C.No.17594 of 2009 till the conclusion of investigation by the Adyar police in Crime No.306 of 2010. The above application has been filed on the ground that the petitioner herein only borrowed a sum of Rs.1,00,000/- and she has already paid the same. The above application has been seriously contested by the respondent by filing counter affidavit. But, the Court below, without considering none of the contentions, simply dismissed the petition by a cryptic and non-speaking order stating that the reason stated by the petitioner to stay the proceedings is not acceptable. Now, challenging the above order, the present revision has been filed.

4. Heard Mr.R.Natarajan, learned counsel appearing for the petitioner and Mrs.Aruna Ganesh, learned counsel appearing for the respondent and perused the records.

5. On perusal of the order passed by the Court below, it is seen that without assigning any reason whatsoever the Court below dismissed the application. It is settled principles of law that any order should be supported by reasons and the Court cannot pass order in the cryptic manner without giving any reason for arriving at the conclusion.

6. In the above circumstances, without going into the merit of the case, the order passed by the Court below dated 25.09.2013 in C.C.No.17594 of 2009 on the file of the Fast Track Court No.III, Metropolitan Magistrate Court, Saidapet, Chennai, is set aside and the Criminal Revision Case is allowed and the matter is remanded back to the Court below and the Court below is directed to consider the matter on merits after hearing the petitioner as well as the respondent and pass a reasoned order in accordance with law. The above exercise should be done within a period of four weeks from the date of receipt of a copy of this order. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

Jr1

To

Fast Track Court No.III,
Metropolitan Magistrate Court,
Saidapet, Chennai.

+ 1 cc to M/s. R.Natarajan, Advocate SR.15585
+ 1 cc to M/s. Aruna Ganesh, Advocate Sr.15817

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