

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2017

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Cr1.O.P.No.746 of 2012

and

M.P.Nos.1 & 2 of 2012

M. Senthilkumar

..Petitioner

Vs.

1.N.Kandhavel Guptha
2.V.P.Rathinasamy
3.P.K.Velusamy
4.D.Rajasampathkumar
5.K.M.Luios
6.P.Nagaraj
7.C.Panchanathan
8.R.Jothimani
9.C.Duraisamy
10.D.Jagatheeswaran
11.V.Kuppusamy

..Respondents

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records pertaining to C.C.No.380 of 2011 before the Judicial Magistrate No.III, Erode, and quash the same.

For Petitioner : Mr.V.S.Kesavan
For Respondents : Mr.S.Jayakumar

सत्यमेव जयते
O R D E R

This Criminal Original Petition is filed to call for the records pertaining to C.C.No.380 of 2011, before the Judicial Magistrate No.III, Erode and quash the same.

2. Heard the learned counsel for the petitioner and the learned counsel for the respondents.

3.The only overtact attributed in the private complaint against the petitioner, who is arrayed as Accused No.11 therein, is that he was a collection agent and there was a fraud committed by the petitioner in disbursement of the amount to the complainant. Apart from this, there are no other overtact

attributed against the petitioner. This averment against the petitioner may not attract the offence alleged in the complaint. While that being so, it would not be appropriate to direct the petitioner to undergo ordeal of trial, as the complaint against the petitioner/eleventh accused therein, is quashed.

4. It is submitted by the learned counsel for the respondents that the proceeding has been pending from the year 2011 onwards and therefore, he seeks for a direction for expeditious disposal. It is also brought to the notice of this court that this court has granted an order of interim stay of the proceedings and hence, the proceedings have been stalled.

5. Since the petition is pending from the year 2011 onwards, it would be appropriate to direct the learned Judicial Magistrate No.III, Erode, to complete the C.C.No.380 of 2011, within a period of six months from the date, on which, the interim stay is vacated or ordered otherwise in CrI.OP.No.21282/2017.

With the above observations, the Criminal Original Petition stands allowed. Consequently, connected miscellaneous petitions are closed.

-s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

gv

To

The Judicial Magistrate No.III,
Erode

+1 CC to Mr.V.S. Kesavan, Advocate sr 81267.

+1 CC to Mr.S. Jayakumar, Advocate sr 81283.

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SP(07/12/2017)