

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.03.2017

CORAM:

THE HON'BLE MR.JUSTICE C.T. SELVAM

CrI.O.P.No.10749 of 2012

Narbath Singh
S/o.Moolchand Dhada

..Petitioner

Vs.

1.Valliammal
2.Govindarajan
3.Somalingam

.. Respondents

Criminal Original Petition filed under Section 482 of the Criminal Procedure Code praying to direct learned Judicial Magistrate II, Cuddalore, to dispose of the matter in C.C.No.278 of 2007 on merits within a stipulated time.

For Petitioner : Mr.R.Sathiya Kumar

O R D E R

Petitioner seeks a direction to learned Judicial Magistrate II, Cuddalore, to dispose of the matter in C.C.No.278 of 2007 on merits within a stipulated time.

2. Heard learned counsel for petitioner.

3. Considering the limited relief sought in this petition, this Court considers it unnecessary to issue notice to respondents. Petitioner is the complainant in the case pending trial in C.C.No.278 of 2007 on the file of learned Judicial Magistrate II, Cuddalore. Respondents/accused moved CrI.O.P.No.35914 of 2007 before this Court seeking quash of proceedings in C.C.No.278 of 2007 and this Court has dismissed such petition under orders dated 08.04.2010. In doing so, this Court, at paragraph No.6 of the order, has observed as follows:

'6. This Court notices that the very complaint informs that the husband of the first accused has at one instance informed that the dues of the bank would

be cleared by the accused party and also issued a cheque for a sum of Rs.10,00,000/-. Thus, if the accused one and two are so inclined to clear the dues of the bank towards enabling the first respondent/complainant and others similarly placed like him to enjoy the property purchased by them, it certainly would be open for the accused to come forward before this Court for quash of proceedings or for appropriate relief. At such instance, the decision of the Hon'ble Apex Court in 2008 (3) Crimes 377 SC (Nikhil Merchant v. Central Bureau of Investigation) may well be relied upon.'

4. Learned counsel for petitioner/complainant submits that though the quash petition was dismissed by this Court as early as on 08.04.2010, trial is yet to commence in the case. Court below is directed to deal with the case and dispose of the same expeditiously, in any event, not later than four months from the date of receipt of this order.

Compliance with this order is to be reported by the Court below through communication addressed to the Registrar (Judicial) of this Court.

-s/d-

Assistant Registrar (CS-II)

True Copy

Sub-Assistant Registrar

To

1. The Judicial Magistrate II,
Cuddalore.

2. The Registrar (Judicial)
High Court, Madras

NR II (CO)
sp/6/4

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