

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.08.2017

Coram:

THE HON'BLE Mr. JUSTICE A.D. JAGADISH CHANDIRA

**Crl.O.P.No. 884 of 2011
and
M.P.Nos. 1 & 2 of 2011**

Mr. M.D. Thavamani, Prop.,
M/s. M.S. Mariappa Nadar,
Old No.118, New No.27,
S.N. Chetty Street,
Royapuram, Chennai – 600 013.

...Petitioner/Accused

Versus

Mr. G. Bhaskaran,
Rep. by Mr. G. Bhaskaran, Partner,
No.2, Kamaraj part Street,
Royapuram,
Chennai – 600 013.

...Respondent/Complainant

Criminal Original Petition filed under Section 482 of Cr.P.C praying to call for the entire proceedings pending on the file of the Hon'ble XV Metropolitan Magistrate George Town at Chennai in C.C.No.3676 of 2010 against the petitioner and quash the same.

For petitioner : Mr. Xavier Felix

For respondent : No Appearance

ORDER

This Original Petition has been filed by the petitioner/accused to quash the proceedings in C.C.No.3676 of 2010 originally pending on the file of the Hon'ble XV Metropolitan Magistrate George Town at Chennai.

2. The learned counsel for the petitioner submits that the matter relates to the offence under Section 138 of the Negotiable Instruments Act and that during the pendency of the quash petition, the entire amount has been settled to the complainant and that after the receipt of the cheque amount, the complainant is neither appearing before this Honourable Court nor appearing before the Trial Court. He further submits that the matter is now pending before the IV Fast Track Court, George Town, Chennai.

3. It is seen that after the receipt of the cheque amount, the complainant is not interested in proceeding with the complaint and thereby the accused is being put to unnecessary harassment inspite of settling the entire amount. Instead of dealing with this petition before this Court, it would be appropriate that the matter may be directed to be taken up by the Fast

Track Court and to issue notice to the complainant for appearance and in the event of the complainant not appearing, it is open to the Magistrate to take appropriate proceedings under the Criminal Procedure Code and to dispose of the complaint in C.C.No.3676 of 2010 in accordance with law within a period of two months from the date of receipt of a copy of this order from this Hon'ble Court. If records are received from the file of the lower Court, the registry is directed to return back the papers forthwith.

4. Consequently, the connected miscellaneous petitions are closed. No costs.

22.08.2017

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Index :yes/no

Internet:yes/no

Note: If records are received from the file of the lower Court, the registry is directed to return back the papers forthwith.

To

1. Metropolitan Magistrate No. XV,
George Town,
Chennai.
2. Fast Track Court - IV,
George Town,
Chennai.
3. The Public Prosecutor,
High Court,
Madras.



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A.D. JAGADISH CHANDIRA, J.,

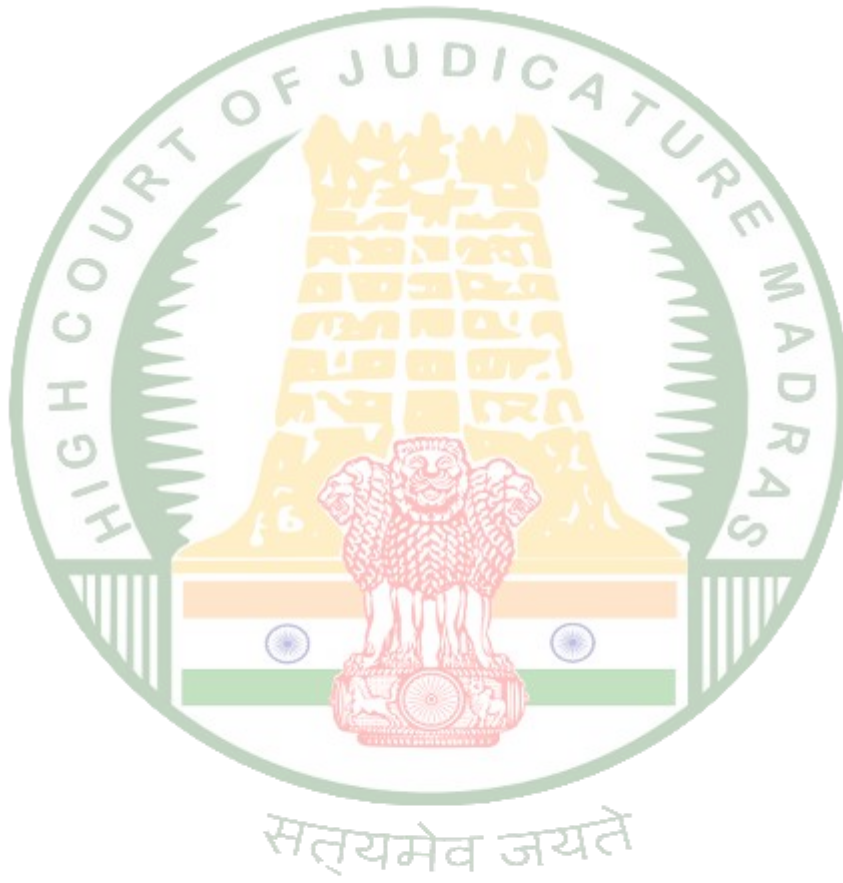
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