

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.11.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Cr1.O.P.No.592 of 2016
and
Cr.M.P.Nos.276 & 277 of 2016

Vijayaraj ... Petitioner

Vs.

G.S.Rani ... Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records pertaining to the complaint in S.T.C.No.5557 of 2015 on the file of the Learned Judicial Magistrate, Palladam and Quash the said complaint in so far as the petitioner herein is concerned.

For Petitioner : Mr.J.Franklin

For Respondent : Mr.G.Karthikeyan

O R D E R

The prayer sought for in the present petition is to call for the records pertaining to the complaint in S.T.C.No.5557 of 2015 on the file of the Learned Judicial Magistrate, Palladam.

2. The petitioner is the first accused in the complaint filed under Section 138 of Negotiable Instruments Act, in S.T.C.No.5557 of 2015, on the file of the Learned Judicial Magistrate, Palladam.

3. On a perusal of the complaint, it seen that except for some vague allegations that the first accused/petitioner had joined together with the second accused and borrowed the money there are no other averments to implicate the petitioner in order to constitute the offence under Section 138 of the Negotiable Instruments Act. Admittedly, the impugned cheque has been issued by the second accused, who is not before this Court.

4. In my view, no punishment can be imposed on the first accused/petitioner for the offences under Section 138 Negotiable Instruments Act.

5. Consequently, proceedings as against the first accused/petitioner is quashed and since the proceedings are said to be pending from the year 2015 onwards, it would be appropriate to direct the trial Court to expedite the trial. Consequently, there shall be a direction to the learned Judicial Magistrate, Palladam to complete the trial in STC.No. 5557 of 2015 within a period of three months from the date of receipt of a copy of this order.

6. In the result, the Criminal Original Petition stands allowed. Consequently, the connected Miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-)

//True Copy//

Sub Assistant Registrar

nmm/ak

To

1.The Learned Judicial Magistrate,
Palladam.

2.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.G.KARTHIKEYAN Advocate, S.R.No. 79653

RJ (CO)
TR(04/12/2017)

Cr1.O.P.No.592 of 2016

सत्यमेव जयते

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