



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.03.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CrI.O.P.(MD)No.2608 of 2017
and CRL.M.P. (MD) Nos.1998 and 1999 of 2017

S.V.Viswanathan : Petitioner/Accused No.2

Vs.

Nagarajan : Respondent/Complainant

Prayer : Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure praying to call for the records relating to the private complaint in S.T.C.No.2298 of 2016 on the file of the Judicial Magistrate, Thirupputtur, and quash the same.

For Petitioner : Mr.V.Kannan

O R D E R

Respondent has initiated prosecution in S.T.C.No.2298 of 2016 before the Judicial Magistrate, Thirupputtur for the offence under Section 138 of Negotiable Instruments Act, challenging which, the petitioner is before this Court.

2.Heard Mr.V.Kannan, learned counsel appearing for the petitioner.

3.It is the case of the respondent that the petitioner had borrowed Rs.1,00,000/- on 01.02.2015 and in discharge of the liability the petitioner had given a cheque for the said sum on 05.02.2016, which was dishonoured. The respondent issued a statutory notice for which the petitioner issued a reply contending that the said cheque was stolen by Syed Mohammed and that was not given in discharge of any liability. However, the respondent has lodged the prosecution as aforesaid.

4.Mr.V.Kannan, learned counsel appearing for the petitioner submitted that even at the earliest point of time, namely, reply to the statutory notice the petitioner had taken a stand that the impugned cheque was stolen by Syed Mohammed and therefore, the prosecution is abuse of process of law.

<https://hcservices.ecourts.gov.in/hcservices/>

5.In the considered opinion of this Court, this disputed

question of facts cannot be considered under Section 482 of Cr.P.C.

6.Mr.V.Kannan, learned counsel appearing for the petitioner submitted that both parties belonging to A.I.A.D.M.K. Party and there is every possibility of settlement, if they are referred to Mediation Centre.

7.In view of the above, this Petition is dismissed as devoid of merits with liberty to the petitioner to raise all the points before the trial Court. However, the learned Judicial Magistrate, Thirupputtur, before whom the case is pending is directed to send both the parties, namely, the complainant and the accused to the local mediation centre so as to bring about settlement between them. The local mediation centre shall dispose of the mediation proceedings within one month and the same should not be dragged on. Consequently, connected Miscellaneous Petitions are also dismissed.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

The Judicial Magistrate,,
Thirupputtur.

+ 1 CC TO Mr.V.KANNAN, ADVOCATE IN SR No. 14157

SJ

TE/MR : 24/03/2017 : 2P/3C

Order made in
Crl.O.P. (MD) No.2608 of 2017
and CRL.M.P. (MD) Nos.1998 and 1999 of 2017
10.03.2017