



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.03.2017

CORAM:

THE HONOURABLE MR. JUSTICE P.N. PRAKASH

CRL.O.P. (MD) No.2842 of 2017

and CRL.M.P. (MD) Nos.2170 and 2171 of 2017

WEB COPY

M.Pradeep Ramkumar

: Petitioner

-Vs-

M.Seenivasan

: Respondent

PRAYER: Petition is filed under Section 482 of the Criminal Procedure Code praying to call for the records pertaining to the Private Complaint in S.T.C.No.252 of 2016, pending before the learned Judicial Magistrate No.VI, Madurai filed under Section 138 of Negotiable Instruments Act and under Section 200 of Criminal Procedure Code and quash the same as illegal.

For Petitioner : Mr.T.Lajapathi Roy

O R D E R

This petition has been filed seeking quash of Private Complaint in S.T.C.No.252 of 2016, pending before the learned Judicial Magistrate No.VI, Madurai.

2.It is the case of the Complainant that he is doing Vegetable Wholesale Business and that the petitioner/accused approached the complainant for urgent loan of Rs.2,50,000/- some time during March, 2014. The complainant gave the loan of Rs.2,50,000/- to the accused and in discharge of the loan, the accused issued a cheque for Rs.2,50,000/-, which when presented by the complainant was returned on the ground that payment was stopped by drawee. Complainant issued statutory notice dated 09.01.2016 and thereafter has filed the present complaint in S.T.C.No.252 of 2016, which is now pending on the file of Judicial Magistrate No.VI, Madurai for the offence under Section 138 of Negotiable Instruments Act against the petitioner/accused, challenging which, the petitioner/accused has filed the present petition.

3.The learned counsel for the petitioner submitted that the accused had not borrowed any money from the complainant and the complainant had charged exorbitant interest. He would also submit that the accused has given a complaint against the complainant herein and during the police enquiry the complainant came to the police station and admitted that he will not charge any exorbitant interest. <https://www.mca.gov.in/Services/> having compromised with the accused in the Police Station, the complainant has misused the cheque dated 07.12.2015. Hence, the prosecution is an abuse of process of law.



4.In the considered opinion of the Court, that cannot be a good reason for quashing the prosecution in as much as disputed question of facts cannot be gone into, in a petition under Section 482 Cr.P.C. In view of the fact that there are prima-facie materials in the complaint, the same cannot be quashed.

5.The learned counsel appearing for the petitioner submitted that if the parties are referred to Mediation, there is every chance of arriving at settlement by the parties.

6.In the result, this Criminal Original Petition is dismissed. However, the learned Judicial Magistrate No.VI, Madurai is directed to refer both the parties to the local Mediation Centre for arriving at settlement. The proceedings before the Medication Centre must be completed within four weeks from the date of reference by the learned Judicial Magistrate No.VI, Madurai. The petitioner is directed to furnish a bond under Section 88 Cr.P.C. for Rs.10,000/- (Rupees Ten Thousand only) with two sureties each to the satisfaction of the learned Judicial Magistrate No.1, Thoothukudi. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CSIII)

/True Copy/

Sub-Assistant Registrar

To

- 1.The Judicial Magistrate No.VI,
Madurai.
- 2.The Judicial Magistrate No.1, Thoothukudi
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai

+One cc to Mr.T.Lajapathi Roy, Advocate, SR.NO.14976

sj

RL/5C/2P/MR/SAR3/5.4.2017

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