



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.03.2017

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THE HON'BLE MR.JUSTICE P.N.PRAKASH

Crl.O.P. (MD) No.22878 of 2016

and

Crl.M.P. (MD) Nos.12004 & 12005 of 2016

A.Sheik Syed Meeran

... Petitioner/Accused

-vs-

S.K.Mohammed Farook

... Respondent/Complainant

Prayer: Petition filed under Section 407 of Code of Criminal Procedure to transfer the case S.T.C.No.186 of 2016 on the file of the learned Fast Track Court at Magisterial level, Karur to the learned District Munsif-cum-Judicial Magistrate, Natham, Dindigul District.

For Petitioner : Mr.S.Sivakumar

For Respondent :Mr.B.Prahalad Ravi

Reserved on	Pronounced on
10.03.2017	22.03.2017

O R D E R

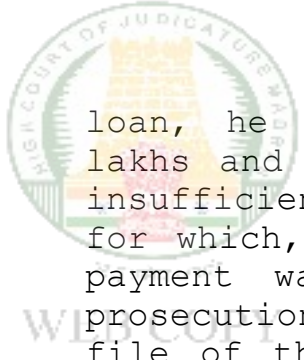
This petition has been filed to transfer the case S.T.C.No.186 of 2016 on the file of the learned Fast Track Court at Magisterial level, Karur to the learned District Munsif-cum-Judicial Magistrate, Natham, Dindigul District.

2. Heard the learned counsel for the petitioner and the learned counsel for the respondent.

3. For the sake of convenience, the parties will be referred to as the complainant and the accused.

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4. It is the case of the complainant that the accused borrowed Rs.24,00,000/- from him on 09.06.2015 and in discharge of the



loan, he issued three Post Dated Cheques for Rs.4lakhs, Rs.10 lakhs and Rs.10 lakhs, which, when presented, got dishonored for insufficiency of funds. The complainant issued a statutory notice, for which, the accused issued a reply dated 26.09.2015. Since no payment was made by the accused, the complainant launched a prosecution in STC No.186 of 2016, which is now pending on the file of the learned Fast Track Court (Magisterial Level), Karur under Section 138 of Negotiable Instruments Act against the accused and the said case is pending.

5. The case of the accused is that the complainant had obtained the impugned cheques by fraud and therefore, the accused gave a complaint to the Natham Police against the complainant, for which, an FIR has been registered against the complainant. While so, the complainant and the accused entered into a compromise memo before the Lok Adalat, agreeing to settle the matter on condition that the accused would make certain payments to the complainant. This compromise memo was entered into on 24.11.2016, based on which, the Lok Adalat passed an Award.

6. Now, it is contended by the accused that he did not file any compromise memo before the Lok Adalat and that his Advocate had duped him. Therefore, he has filed the petition for transfer of STC No.186 of 2016 from the file of Fast Tract Court (Magisterial Level), Karur to any other Court.

7. The petitioner has filed an affidavit, wherein in Paragraph No.13, it is stated as follows:

"13. I further submit that whereas on 20.08.2016, the Respondent formulated a plan and forced me to put my signature in a compromise memo connivance with Advocate of both side case in S.T.C.No.186/2016 and the posted for Lok Adalat. The Compromise memo stating that I agree to pay Rs.13 Lakhs to the Respondent is utterly false. I narrowly escaped from the Respondent master plan. By that time onwards, I fear to visit Karur especially the Court became of my life would be endangered by the Respondent or his men at any point of time at Karur."

8. This Court is not satisfied with the reasons given by the petitioner, inasmuch as he has appeared before the Lok Adalat, in which Judicial Officers were present and has signed the compromise memo along with his Advocate. Even in the affidavit, he has not stated the name of the Advocate, who is said to have cheated him. Now, in order to get over his liability, the accused has woven a story, as if he was forced to enter into the compromise memo before the Lok Adalat.

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9. In the result, this petition is dismissed with liberty to the accused to approach the Lok Adalat for remedy, if any. If the



accused does not comply with the Award of the Lok Adalat, it is open to the learned Fast Track Court (Magisterial Level), Karur to proceed with the case in STC No.186 of 2016. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-III)

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/True Copy/

Sub Assistant Registrar

To:

The Fast Track Court(Magisterial level)
Karur.

+1cc to Mr.S.Sivakumar, Advocate Sr.No.16568

+1cc to Mr.B.Prahalad Ravi, Advocate Sr.No.17005

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VB/JC/SAR3/07.04.2017/3P/4C

ORDER IN
Cr1.O.P. (MD)No.22878 of 2016
22.03.2017