



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.12.2017

WEB COPY

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THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Crl.O.P.(MD)No.11624 of 2011

and

M.P.(MD)Nos.1 and 2 of 2011

D.Jeyakumar

... Petitioner/Accused

Vs.

V.Meenal

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to the impugned complaint in C.C.No.371 of 2006 on the file of the learned Judicial Magistrate, Nilakkottai and to quash the same.

For Petitioner : Mr.Marimuthu
for M/s.K.Appadurai

For Respondent : Mr.S.Vellaichamy

O R D E R

This Criminal Original Petition has been filed to quash the impugned complaint in C.C.No.371 of 2006 on the file of the learned Judicial Magistrate, Nilakkottai.

2. The case of the petitioner is that the respondent herein filed a complaint in C.C.No.371 of 2006 on the file of the learned Judicial Magistrate, Nilakkottai against the petitioner, for the offence punishable under Section 138 of Negotiable Instruments Act, on the allegation that the petitioner has borrowed Rs.1,00,000/- from the respondent for his family expenses. Thereafter, for due payment, he issued two cheques bearing Nos.143556 and 814651, dated 02.05.2006, to be drawn on the Post Office, Nilakkottai. But when the respondent presented the cheques for encashment, they were returned with an endorsement "insufficient funds". Thereafter, the respondent sent legal notice to the petitioner on 02.08.2006. Even after receipt of the notice, there was no reply from the petitioner. Hence, this present petition.



3. Though the learned counsel for the petitioner raised several grounds for quashing the case in C.C.No.371 of 2006, he submitted that it would suffice, if a direction is issued to the trial Court to complete the trial within a time limit that may be stipulated by this Court and also to permit the petitioner to raise all the grounds raised in this petition before the trial Court.

4. I have heard the learned counsel for the petitioner and the learned counsel for the respondent.

5. In the light of the above said submission made by the learned counsel for the petitioner, this Court, without going into the merits of the case, directs the learned Judicial Magistrate, Nilakkottai, to complete the trial in C.C.No.371 of 2006, within a period of six months from the date of receipt of a copy of this order.

6. With the above direction, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petitions are also closed.

Sd/-

Assistant Registrar(T&P)

/True Copy/

Sub Assistant Registrar

To

The Judicial Magistrate,
Nilakkottai.

+ 1 cc TO Mr.K.Appadurai , Advocate in SR No. 92155

PJL

AE/SKN RSK/SAR4/22.12.2017/2P/3C

Cr1.O.P. (MD)No.11624 of 2011
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