

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.07.2018

CORAM:

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

Crl.O.P. No.11776 of 2018
and
Crl.MP.No.6181 of 2018

Sekar

...Petitioner

vs.

1. Ambika

2. Muthulakshmi

...Respondents

Criminal Original Petition filed under Section 482, Cr.P.C. to call for the records in C.C.No.4012 of 2016 on the file of the learned Metropolitan Magistrate, Fast Track Court No.1, Allikulam, Chennai-3 and to quash the same as against the petitioner/2nd accused.

For Petitioner : Mr.V.Paul Das

For Respondents: Mr.K.P.Chandrasekar, for R1

O R D E R

This Criminal Original Petition has been filed to call for the records in C.C.No.4012 of 2016 on the file of the Metropolitan Magistrate, Fast Track Court No.1, Allikulam, Chennai-3 and to quash the same as against the petitioner/2nd accused.

2. For the sake of convenience, the petitioner and the respondents will be referred to by their name.

3. Muthulakshmi (A1) issued the impugned cheque to Ambika (complainant), which cheque was dis-honoured. After issuing a notice under Section 138 of the Negotiable Instruments Act, Ambika has initiated a prosecution in C.C.No.4012 of 2016 and the same is pending on the file of the Metropolitan Magistrate, Fast Track Court No.1, Allikulam Commercial Complex, Chennai, in which, she has impleaded Muthulakshmi and her husband Sekar as the accused. Challenging the said prosecution, Sekar is before this Court.

4. Heard Mr.Paul Das, learned counsel for Sekar and Mr.K.P.Chandrasekar, learned counsel for Ambika.

5. Mr.Chandrasekar, learned counsel for Ambika fairly conceded that Ambika should not have impleaded Sekar as accused, because, the impugned cheque was executed by Muthulakshmi in the account belonging to her.

6. Under such circumstances, this petition is allowed and the prosecution of Sekar in C.C.No.4012 of 2016 before the Metropolitan Magistrate, Fast Track Court No.1, Allikulam Commercial Complex, Chennai, is hereby quashed. However, the trial Court is directed to complete the trial within a period of six months from the date of receipt of a copy of this order.

With the above direction, this petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

mk

To

The Metropolitan Magistrate,
Fast Track Court No.1,
Allikulam, Chennai-3.

+1cc to Mr.V.Paul Das, Advocate SR.48616

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Cr1.O.P. No.11776 of 2018

srg 30/07/2018