

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2018

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.30212 of 2011
and M.P.No.1 of 2011

Mr.Susilkumar Singvi

... Petitioner

Vs.

1.Mrs.K.Susila

2.V.Ganesan

...Respondents

PRAYER: The Criminal Original Petition has been filed under Section 482 of Cr.P.C, to call for the records in C.C.No.3031 of 2011 pending on the file of the VIII Metropolitan Magistrate Court, George Town and quash the same as against the petitioner.

For Petitioner : Mr.D.Muthukumar
For Respondent : Mr.V.Kasinatha Bharathi for R1

O R D E R

The petitioner herein has been arrayed as a second accused in C.C.No.3031 of 2011 on the file of the VIII Metropolitan Magistrate Court, George Town, Chennai.

2. It is seen that the first respondent herein had filed a private complaint against the petitioner and one V.Ganesan, in C.C.No.3031 of 2011 before VIII Metropolitan Magistrate Court, George Town for offence under Section 138 of Negotiable Instrument Act, 1881. For the same set of facts, the 1st respondent herein, earlier had filed a case in C.C.No.339 of 2009, which is pending for trial before the Judicial Magistrate, Mannargudi, wherein, the complaint, the accused are one and same, the Cheque in issue is also the same. Considering the fact that there cannot be two cases for the very same offence, the earlier complaint has to sustain and the later complaint has to be quashed.

3.The learned counsel appearing for the 1st respondent/complainant also admits that the case pending in C.C.No.3031 of 2011 before the VIII Metropolitan Magistrate, George Town, Chennai, is the second complaint filed by the 1st

respondent against the petitioner, which has been filed mistakenly.

4. In view of the above, since there cannot be two cases for the very same issue, this Court allow this petition by quashing the case in C.C.No.3031 of 2011, pending on the file of the VIII Metropolitan Magistrate Court, George Town. Consequently connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

To

1 The VIII Metropolitan Magistrate,
George Town, Chennai

2 Do Through Chief Judicial Magistrate,
Egmore, Chennai

+1cc to Mr.D.Muthukumar45019, Advocate, S.R.No.

+1cc to Mr.V.Kasinatha Bharathi, Advocate, S.R.No.45597

SMI/09.08.2018

Cr1.O.P.No.30212 of 2011

सत्यमेव जयते

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