

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.06.2018

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Cr1.O.P.No.22801 of 2010

and

M.P.No.1 of 2010

Sumathy,

W/o.Late Sridhar

... Petitioner/Accused

Vs.

Madhar Ali,

S/o. Mohammed Ali

...Respondent/Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records in C.C.No.197 of 2009 on the file of the Judicial Magistrate Court No.1, Kancheepuram and quash the same.

For Petitioner : Mr.V.Sairam

For Respondent : No appearance

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O R D E R

This Criminal Original Petition is filed to call for the records in C.C.No.197 of 2009 on the file of the Judicial Magistrate Court No.1, Kancheepuram and quash the same.

2.The petitioner herein, who is an accused in C.C.No.197 of 2009 pending on the file of the Judicial Magistrate Court No.I, Kancheepuram for the offence under Section 138 of the Negotiable Instruments Act, has filed this quash petition to quash the criminal complaint, which the respondent had initiated against the accused for the offence under Section 138 of the Negotiable Instruments Act.

3.The contention of the learned counsel appearing for the petitioner/accused is that the respondent/complainant is not sure about his case when the alleged loan was taken by the petitioner. Further with regard to the source of income of the respondent, the respondent has no means to lend such a huge

amount. Hence, the complaint is not maintainable. The points raised by the petitioner are not supported by any doubts, which are to be agitated in the Trial.

4. In view of the above this Criminal Original Petition is dismissed. Since the case is pending from the year 2010 and it has been pending trial before the trial Court for the past eight years, in view of the guidelines of the Hon'ble Supreme Court of India in the case of JOHINDER SINGH. The trial Court is directed to proceed with the trial and conclude the case in C.C.No.197 of 2009, within a period of three months from the date of receipt of a copy of this order. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Deputy Registrar (CS)

//True Copy//

Sub Assistant Registrar

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To

1. The Judicial Magistrate No.1,
Kancheepuram.
2. The Public Prosecutor,
High Court, Madras.

Cr1.O.P.No.22801 of 2010

TR(03/08/2018)

सत्यमेव जयते

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