

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.10.2018

CORAM:

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

Crl.O.P. No.8473 of 2017 & Crl.M.P. Nos.6052 and 6053 of 2017

B. Dharani

Petitioner/Accused

vs.

Devarajan

Respondent/Complainant

Criminal Original Petition filed under Section 482 Cr.P.C. seeking to call for the records in C.C. No.458 of 2017 on the file of the XVI Metropolitan Magistrate Court at George Town, Chennai - 1 and quash the same.

For petitioner Mr. S.M.Nandhie Devhan

For respondent Ms. Sheikh Mehrunissa

ORDER

This Criminal Original Petition has been filed seeking to call for the records in C.C.No.458 of 2017 on the file of the XVI Metropolitan Magistrate at George Town, Chennai - 1 and quash the same.

2 Devarajan, the respondent herein, has initiated a prosecution in C.C. No.458 of 2017 under Section 138 of the Negotiable Instruments Act, 1881 against Dharani, the petitioner herein, and the same is now pending on the file of the XVI Metropolitan Magistrate Court, George Town, Chennai - 1. Challenging the said prosecution, Dharani has filed the present quash application.

3 During the pendency of this quash application, it appears that the parties have arrived at a compromise.

4 Today, both parties have filed a joint memo of compromise, wherein, it is stated as follows:

"The petitioner/accused has paid the respondent/complainant the balance amount of Rs.25,000/- (Rupees twenty five thousand only) by way of cash on 29.10.2018 and the same has been received by the respondent/complainant. (total amount Rs.50,000/- and Rs.25,000/- is lying the credit of C.C. No.458 of 2017 before the XVI M.M. Court, George Town, Chennai, which was deposited as a condition imposed by this Hon'ble Court.

It is therefore prayed that this Hon'ble Court may be pleased to record this joint memo and may be pleased to permit the respondent/complainant to withdraw the amount of Rs.25,000/- lying in the credit of C.C. No.458 of 2017 before the XVI M.M. Court, George Town, Chennai and thus render justice."

In view of the above, the proceedings in C.C. No.458 of 2017 on the file of the XVI Metropolitan Magistrate Court, George Town, Chennai, is hereby quashed and as a sequel, this Criminal Original Petition stands allowed. It is made clear that Devarajan will be entitled to withdraw the amount of Rs.25,000/- lying in the credit of C.C. No.458 of 2017 on the file of the XVI Metropolitan Magistrate Court, George Town, Chennai and the Magistrate is directed to disburse the same to Devarajan, on proper identification. Connected CrI.M.Ps. are closed.

Encl:Xerox copy of Compromise memo

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

cad
To

1 The XVI Metropolitan Magistrate
George Town
Chennai - 1

SSD(CO)
sm:20.11.2018

सत्यमेव जयते

CrI.O.P. No.8473 of 2017

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