

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.11.2018

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.OP Nos. 27051 & 26971 of 2017

and

Crl.MP Nos. 15487, 15488, 15519, and 15520 of 2017

V.Baskara Rajan,

Proprietor,

M/s.Innovative Tech-Tricks Equipments,
(TIN No.33363455461)

No.5/1, Vadagaputhur Agraharam,
Somarasampettai, Tiruchirapalli

Also at S-1, Old No.1/1, New No.5,
4th Street,

Postal Colony, West Mambalam,

Chennai-600 033.

..Petitioner in both Crl.Ops/Accused

..Vs..

C.Selvakannan

..Respondent in

Crl.O.P.No.27051 of 2017/Compliant

C.Veilrajan

..Respondent in

Crl.O.P.No.26971 of 2017//Compliant

COMMON PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in connection with S.T.C.Nos.2558, 2559 of 2017 pending on the file of the Hon'ble Judicial Magistrate, Court at Thiruvottiyur, Chennai and quash the same.

For Petitioner : Mr.S.Jayakumar
(both Crl OP)

For Respondent : Mr.Ashok Kumar
(both Crl.OP)

COMMON ORDER

These petitions have been seeking to quash the proceedings initiated under Section 138 of the Negotiable Instruments Act, pending before the Court below.

2.The main ground that has been raised in both the criminal original petitions is that there was no enforceable debt or

liability on the date when the alleged cheque was issued by the petitioners. The learned counsel for the petitioner would further submit that the parties wants to amicably settle the matter with each other and therefore, the parties may be directed to be sent to the Mediation Centre.

3.The ground that has been raised by the learned counsel for the petitioner is purely factual in nature. Existence of a debt or liability has be established only in the course of proceedings. The same requires appreciation of evidence and this Court sitting in its jurisdiction under Section 482 of Cr.P.C. cannot get into the said issue. It is always left open to the parties to represent before the Court below, if the parties wants to settle the matter among themselves in an amicable manner. Now, that the offence under Section 138 of the Negotiable Instruments Act, has been made compoundable, the Court below has sufficient powers to refer the parties to Mediation, if the parties wants to resolve the issue amicably. This Court does not want to keep the petitions pending on that ground.

4.In the facts and circumstances of the case, both Criminal Original Petitions shall stand dismissed, and the Court below is directed to complete the proceedings within a period of three (3) months from the date of receipt of a copy of this order.

Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS-IX)

//True copy//

Sub Assistant Registrar

KP

To
The Judicial Magistrate Court,
Thiruvottiyur, Chennai.

+2cc to Mr.S.Jayakumar, Advocate SR.No.77412, 77413

+2cc to Mr.Ashok Menon, Advocate SR.No.77476, 77477

Cr1.OP Nos.27051 & 26971 of 2017

PP(CO)
GMY(27/11/2018)