

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.10.2018

CORAM :

THE HONOURABLE MR. JUSTICE P.N.PRAKASH

CRL.O.P.No.23639 of 2018 and
Crl.M.P.Nos.13281 & 13283 of 2018

R.Thamodaran

.. Petitioner

Vs

Dhanalakshmi Srinivasan Chit Funds (Pvt) Ltd.
Represented by its General Power of Attorney,
As well as Legal Manager,
K.A.Kannan,
Having Head Office at
No.274/C, Thuraiyur Road, Perambalur - 621 212.
Having Branch Office at
No.120, Ground Floor, M.G.Road, Kottakuppam,
Vanur Taluk, Villupuram District - 605 011.

.. Respondent

Criminal Original Petition filed under Section 482
Cr.P.C., praying to call for the records pertaining to the
complaint in S.T.C.No.1464 of 2018 on the file of the Judicial
Magistrate, Perambalur and to quash the same.

For Petitioner : Mr.S.Madhusudanan

ORDER

This Criminal Original Petition has been filed to call
for the records pertaining to the complaint in S.T.C.No.1464 of
2018 on the file of the Judicial Magistrate, Perambalur and to
quash the same.

2. The petitioner is facing prosecution in S.T.C.No.1464
of 2018 for the offence under Section 138 of Negotiable
Instruments Act, before the Judicial Magistrate Court,
Perambalur, for quashing which, this application has been filed.

3. Heard Mr.S.Madhusudanan, learned counsel for the
petitioner/accused, who submitted that the
complainant/respondent has already initiated civil proceedings
and has also filed an application under Order XXI Rule 11 of
C.P.C. for recovery of amount, and therefore, the prosecution is
an abuse of process of law.

4. In the opinion of this Court, initiation of civil proceedings cannot be a ground for quashing the criminal prosecution for the offence under Section 138 of the Negotiable Instruments Act, if the ingredients of the offence under Section 138 of the Negotiable Instruments Act stands satisfied.

5. Mr.S.Madhusudanan further submitted that there is every possibility for the petitioner/accused to arrive at a settlement with the complainant/respondent, if the parties are referred to the Mediation Centre.

6. Accepting the submission, the petitioner/accused is directed to appear before the trial Court within two weeks from the date of receipt of a copy of this order and he shall file an application under Section 436 Cr.P.C. for bail, and on such application being made, he shall be released on bail on the same day, on executing a bond for Rs.5,000/- with two sureties. Thereafter, the trial Court is directed to send the petitioner/accused and the respondent/complainant to the local Mediation Centre for arriving at a settlement. One month time is granted to the Mediation Centre, from the date of receipt of such reference from the trial Court, to complete the mediation process. If the Mediation fails, the trial Court shall proceed with the trial.

With the above directions, this Criminal Original Petition stands dismissed. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

mkn

To

The Judicial Magistrate,
Perambalur.

+1cc to Mr.S.Madhusudanan, Advocate, S.R.No. 68762

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PP (CO)
GN (23/10/2018)