



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.10.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Cr1.OP[MD]No.19452 of 2015

and

M.P. (MD)Nos.1 and 2 of 2015

S.Thanneermalai

... Petitioner

Vs.

Kannan

... Respondent

PRAYER: Petition is filed under Section 482 of Cr.P.C, to call for the records in S.T.C.No.36 of 2015 pending on the file of the learned Judicial Magistrate (Fast Track Court), Karaikudi, Sivagangai District, quash the same.

For Petitioner	: Mr.K.N.Govardhanan
For Respondent	: Mr.C.Jeya prakash

O R D E R

This petition is filed to quash the S.T.C.No.36 of 2015 on the file of the learned Judicial Magistrate (Fast Track Court), Karaikudi, Sivagangai District.

2.The learned counsel for the petitioner would submit that even without recording the sworn statement from the complainant, the learned Judicial Magistrate (Fast Track Court), Karaikudi, has taken cognizance in S.T.C.No.36 of 2015 for the offence under Section 138 of the Negotiable Instrument Act as against the petitioner/accused. Therefore, he prays for quashing the S.T.C.No.36 of 2015 on the file of the Judicial Magistrate (Fast Track Court), Karaikudi.

3.The learned counsel for the respondent would submit that the sworn statement has been recorded from the respondent / complainant and thereafter, they have taken cognizance under Section 138 of the Negotiable Instrument Act and issued summons to the petitioner / accused. He has also produced a certified copy of the sworn statement of the respondent / complainant. Therefore, he prays for dismissal of the S.T.C.No.36 of 2015.



4. Heard the learned counsel for the petitioner and the learned counsel for the respondent.

5. After filing the complaint, the learned Judicial Magistrate, (Fast Track Court), Karaikudi, has recorded the sworn statement of the respondent / complainant and thereafter, has taken cognizance for the offence under Section 138 of the Negotiable Instrument Act in S.T.C.No.36 of 2015 and issued summons to the petitioner / accused. Further, the learned counsel for the respondent / complainant submitted that the trial has been commenced and P.W.1 and P.W.2 were examined.

6. In view of the above, this Court is not inclined to quash the proceedings in S.T.C.No.36 of 2015. Hence, this criminal original petition is dismissed. However, the learned Judicial Magistrate (Fast Track Court), Karaikudi, Sivagangai District, is directed to complete the trial within a period of six months from the date of receipt of a copy of this order. Consequently, connected M.P. (MD) Nos.1 and 2 of 2015 are closed.

Sd/-
Assistant Registrar(w)

/True Copy/

Sub Assistant Registrar(cs-II)

To
The Judicial Magistrate (Fast Track Court),
Karaikudi,
Sivagangai District.

+1cc to M/s.C.Jeya prakash Advocate in SR.No.92414

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and
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