



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 21.08.2018
CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

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Crl.O.P.(MD)Nos.15307, 15356, 15056 of 2017
and
Crl.O.P.(MD)No.1969 of 2014
and
Crl.M.P.(MD)Nos.10175, 10218 and 10030 of 2017
and
M.P.(MD)No.1 of 2014

Crl.O.P.(MD)Nos.15307, 15356 and 15056 of 2017

Rani Ebenezer Doss,

... Petitioner/Accused

Vs

M/s.Aayarvilas Nidhi, (Regd.No.11/2007)
Represented by its Partner,
S.Muthukrishnan

... Respondent

PRAYER in Crl.O.P.(MD)No.15307 of 2017 : Petition filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to the orders passed in Cr.M.P.No.5358 of 2017 in S.T.C.No.1157 of 2013 dated 21.09.2017 by the Learned Judicial Magistrate No.1, Fast Track Court at Magisterial Level, Madurai and set aside the same and allow this Criminal Original Petition.

PRAYER in Crl.O.P.(MD)No.15356 of 2017 : Petition filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to the orders passed in Cr.M.P.No.1336 of 2017 in S.T.C.No.1157 of 2013 dated 05.05.2017 by the Learned Judicial Magistrate No.1, Fast Track Court at Magisterial Level, Madurai and set aside the same and allow this Criminal Original Petition.

PRAYER in Crl.O.P.(MD)No.15056 of 2017 : Petition filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to S.T.C.No.1157 of 2013 pending on the file of Judicial Magistrate Court No.I (Fast Track Court No.1) Madurai and Quash the same.

For Petitioner : Mr.L.Shaji Chellan

For Respondent : Mr.B.Rajesh saravanan

(in Crl.O.P.(MD)Nos.15307, 15356 and 15056 of 2017)



Cr1.O.P.(MD)No.1969 of 2014

S.Muthukrishnan

... Petitioner /Sole Accused

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Vs

1.State represented by the Inspector of Police,
Avaniyapuram Police Station,
Madurai District.
(Crime No.694/2013)

...Respondent/Complainant

2.Rani Ebenezer Doss

... Respondent/Defacto Complainant

PRAYER : Petition filed under Section 482 of Criminal Procedure Code, to call for records pertaining to F.I.R. Pending on the file of first respondent herein as Crime No.694 of 2013 under Section 506 (i) of IPC read with Section 4 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003 and Section 4 of Tamil Nadu Prohibition of Women Harassment Act, 1998 and Quash the same as against this petitioner.

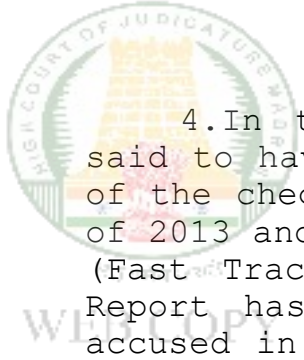
For Petitioner : Mr. B.Rajesh Saravanan
For R1 : Mr.K.Suyambulinga Bharathi
Government Advocate
For R2 : Mr.Shaji Chellan

COMMON ORDER

Cr1.O.P.(MD)No.15056 of 2017 has been filed seeking to quash S.T.C.No.1157 of 2013, pending on the file of the Judicial Magistrate Court No.I, (Fast Track Court), Madurai. Cr1.O.P.(MD) Nos.15307 and 15356 of 2017 have been filed against the dismissal of 311 application in the said S.T.C.No.1157 of 2013 and Cr1.O.P.(MD) No.1969 of 2014 has been filed to quash the First Information Report pending on the file of Avaniyapuram Police Station in Crime No.694 of 2013.

2.When these petitions came for hearing on 20.08.2018, this Court suggested that the parties can enter into a compromise by making a one time payment and resolve the pending issues. This Court also requested the counsel representing on either side to use their good offices and persuade their clients to enter into a compromise in this case. This Court also directed the parties to be present before this Court today, (21.08.2018).

3.This Court had a detailed interaction with both the parties and also heard their grievances. This Court also heard the learned



4. In this case, the cheque amount is Rs.1,64,000/- which is said to have been given in the year 2013. In view of the dishonor of the cheque, the same has resulted in the filing of S.T.C.No.1157 of 2013 and the same is pending before the Judicial Magistrate No.1, (Fast Track Court), Madurai. Parallely, the First Information Report has been registered based on the complaint given by the accused in Section 138 proceedings and the same is pending before the Avaniyapuram police station.

5. This Court suggested that a minimum of 6% interest can be paid along with the cheque amount and this suggestion was accepted by both the parties. The petitioner in CrI.O.P.(MD)No.15056 of 2017 handed over cash of a sum of Rs.2,10,000/- (Rupees Two Lakhs Ten Thousand only) to the respondent and the respondent also acknowledged the receipt of the said amount.

6. On being questioned by this Court, both the parties expressed their intention to compromise the dispute between them amicably and therefore both the parties are not pressing the respective complaints given by them. Consequently, the proceeding in S.T.C.No.1157 of 2013 pending on the file of the Judicial Magistrate No.I, (Fast Track Court), Madurai, is hereby quashed. Similarly, the First Information Report in Crime No.694 of 2013, pending investigation before the Avaniyapuram police station is also hereby quashed.

7. In fine, CrI.O.P.(MD)No.15056 of 2017 and CrI.O.P.(MD)No.1969 of 2014 are allowed and the respective complaints are quashed. In view of these orders, CrI.O.P.(MD)No.15307 and 15356 of 2017 are closed. No costs. Consequently, connected miscellaneous petitions are closed.

8. This Court records its appreciation to the counsel who were representing the petitioner and the respondent who had taken efforts to get the issues resolved among the parties amicably.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar(CS-III)

To

1. The Judicial Magistrate Court No.I,
Fast Track Court at Magisterial Level, Madurai.

2. The Inspector of Police,
Avaniyapuram Police Station,
Madurai District.



3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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CrI.O.P. (MD) Nos. 15307, 15356, 15056 of 2017
and
CrI.O.P. (MD) No. 1969 of 2014
21.08.2018

PNN
ES/RP/SAR 3/18.09.2018/4P/4C