



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.10.2018

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

WEB COPY

Cr1.O.P.(MD).No.13893 of 2016

and

Cr1.M.P.(MD).Nos.6464 & 6465 of 2016

1.M.Subramanian

2.M/s. Oxford Engineering College,

Represented by its Authorized Signatory,

(Correspondent) M.Subramanian,

Piratiyur West, Karumandapam,

Tiruchirappalli-9.

...Petitioners / Respondents

Vs.

State Bank of India,

constituted under the State Bank of

India Act, 1955 having one of its Local

Head Offices at and carrying on business

in banking among other places at

stressed Assets Recovery Branch,

Mc.Donald's Road, Cantonment,

Tiruchirappalli-1,

Represented by its Chief Manager,

Mr.S.Singaravelu, S/o.Sooran

... Respondent / Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to call for the records relating to the impugned complaint in S.T.C.No.340 of 2013, on the file of the Judicial Magistrate Court No.II, Tiruchirappalli, quash the same.

For Petitioners

:Mrs.J.Anandhavalli

For Respondent

:Mr.S.Seetharaman

O R D E R

This Criminal Original Petition has been filed to quash the impugned complaint in S.T.C.No.340 of 2013, on the file of the learned Judicial Magistrate No.II, Tiruchirappalli,

2.The learned counsel appearing for the petitioners would submit that after filing of the complaint on 22.03.2013, which was taken on file by the Court below in S.T.C.No.340 of 2013 and before the receipt of the summon from the Court, the petitioners have settled the entire cheque amount by way of Demand Drafts and Payorders. In order to substantiate the same, the learned counsel



appearing for the petitioners brought to the notice of this Court, the letter dated 09.04.2013, written by the first petitioner to the respondent, in which, there is a specific mention to the Demand Drafts and Payorders, which were issued in the name of the respondent. The learned counsel appearing for the petitioners would further submit that in view of the payment of the entire cheque amount even before the receipt of the summons, there is no requirement to proceed further with the criminal complaint by the Court below.

3.The learned counsel appearing for the respondent would submit that the letter issued by the first petitioner on 09.04.2013, reflects the fact that the petitioners have made the entire payment to the respondent Bank. In view of the same, appropriate orders may be passed by this Court.

4.Taking into consideration, the submissions made on either side, this Court is of the view that no purpose will be served keeping the proceedings pending in S.T.C.No.340 of 2013, on the file of the learned Judicial Magistrate No.2, Thiruchirappalli. This Court has to exercise its jurisdiction under Section 482 Cr.P.C. in order to secure the ends of justice. In the result, the proceedings in S.T.C.No.340 of 2013, on the file of the learned Judicial Magistrate No.2, Thiruchirappalli, is hereby quashed.

5.Accordingly, the Criminal Original Petition is allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(WRITS)

/True Copy/

Sub Assistant Registrar(CS-III)

To
The Judicial Magistrate Court No.II,
Tiruchirappalli,

TSG
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