

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 22.04.2019
CORAM:
THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.Nos.12046 & 12047 of 2018
and
Crl.M.P.Nos.6374 & 6376 of 2018 and 3058 & 3060 of 2019

H.Natesan Hari Hara Krishnan
... Petitioner/Accused in both Crl.O.Ps

Versus

R.Sridhar Arasu
... Respondent/Complainant in both Crl.O.Ps

COMMON PRAYER : Criminal Original Petitions are filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the proceedings in S.T.C.Nos.4182 & 4183 of 2017 respectively, on the file of the Judicial Magistrate, Thiruvotriyur and quash the same.

In both Crl.OPs
For Petitioner : Mr.R.Mohandoss
For Respondent : Mr.V.Devendhiran

COMMON ORDER

These Criminal Original Petitions have been filed to quash the proceedings in S.T.C.Nos.4182 & 4183 of 2017, on the file of the Judicial Magistrate Court, Thiruvotriyur.

2.The learned counsel for the petitioner submitted that the entire cash alleged by the defacto complainant is unaccounted money and there is no proof of filing the income tax returns. He further submitted that the defacto complainant filed a complaint, suppressing the facts that already there was a Memorandum of Understanding in which no amount has been filled up. On the basis of the Memorandum of Understanding, the alleged cheques were issued whereas the said Memorandum of Understanding is not annexed along with the complaint and further, there is no legally enforceable debt between the petitioner and the defacto complainant. He further submitted that, as per the MOU, the debt itself is barred by limitation. Therefore, he prayed for quashment of the entire proceedings.

3.It is seen that the issuance of the cheque and its signature are not denied by the petitioner. Therefore, the points raised by the petitioners can be considered only during the trial.

4.In view of the above, this Court is not inclined to quash the proceedings in S.T.C.Nos.4182 & 4183 of 2017, on the file of the Judicial Magistrate Court, Thiruvotriyur. Hence, these Criminal Original Petitions are dismissed, with a direction to the trial Court to complete the trial within a period of six months from the date of receipt of a copy of this order. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vv2

To

The Judicial Magistrate Court,
Thiruvotriyur.

+2cc to M/s.Swaminathan Law Associates, sr.39049
+1cc to Mr.V.Devendhiran, Advocate sr.38359(27/06/2019)
+2cc to M/s.Swaminathan Law Associates, sr.39048(27/06/2019)

CrI.O.P.Nos.12046 & 12047 of 2018

nr 25/06/2019

सत्यमेव जयते

WEB COPY