

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.01.2019

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.Nos.17021 and 29314 of 2018
and Crl.M.P.No.8787 of 2018

Crl.O.P.No.17021 of 2018:

T.Indirani

D/o.Thiyagarajan

...Petitioner

Vs.

S.Gunasekaran

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, to call for the records in connection with STC.No.1684 of 2017 pending on the file of the Learned Judicial Magistrate No.1, Ponneri and quash the same.

Crl.O.P.No.29314 of 2018:

S.Gunasekaran

... Petitioner

Vs.

T.Indirani

D/o.Thiyagarajan

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, to direct the learned Judicial Magistrate No.1, Ponneri to disburse the deposit amount a sum of Rs.2,50,000/- to credit of C.C.No.1684/17 on the file of Judicial Magistrate No.1, Ponneri as per the order passed by the Hon'ble Court in Crl.M.P.8787 of 2018 in Crl.O.P.No.17021 of 2018 to the petitioner.

For Petitioner

in Crl.O.P.No.17021 of 2018: Mr.S.Ambigapathi

in Crl.O.P.No.29314 of 2018: Mr.P.Dasarathan

O R D E R

This Court passed an order on 04.07.2018, which is as follows:

"Notice of Motion returnable in four weeks. Private Notice is also permitted.

2.The petitioner is facing a prosecution in C.C.No.1684 of 2017 before the Judicial Magistrate No.I, Ponneri, under Section 138 of the Negotiable Instruments Act, 1881, in respect of a cheque for Rs.3 lakhs.

3.The learned counsel for the petitioner submitted that the petitioner is ready and willing to settle the complainant/respondent, by paying a sum of Rs.3 lakhs and to show his bona fide, he has paid Rs.50,000/- on 24.05.2018 to the complainant. He further submitted that the petitioner is willing to pay the balance amount of Rs.2.5 lakhs, by depositing Rs.50,000/- every month.

4.Recording the same, interim stay is granted.

5.The petitioner shall deposit the said sum of Rs.50,000/- before 10th of every month to the credit of C.C.No.1684 of 2017 on the file of the Judicial Magistrate No.I, Ponneri. As regards the month of July 2018, the petitioner shall pay the amount on or before 12.07.2018.

Post the matter after four weeks."

2.Pursuant to the orders passed by this Court, the petitioner has deposited Rs.2.5 lakhs and the respondent/complainant has already withdrawn Rs.50,000/- and the remaining amount is in deposit. The learned counsel for the complainant submitted that the complainant may be permitted to withdraw the remaining amount and consequently the complainant does not have any objection in the proceedings being quashed.

3. In view of this development, no useful purpose will be served by keeping the proceedings pending.

4.In the result, the proceedings in STC.No.1684 of 2017 pending on the learned Judicial Magistrate No.1, Ponneri is hereby quashed. The complainant viz., S.Gunasekaran is permitted to withdraw the entire amount standing to the credit of STC.No.1684 of 2017. The complainant is permitted to file a memo before the court below and the court below shall permit the complainant to withdraw the entire amount.

5. These Criminal Original Petitions are disposed of accordingly. Consequently, connected Miscellaneous petition is also closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

rri/rm

To

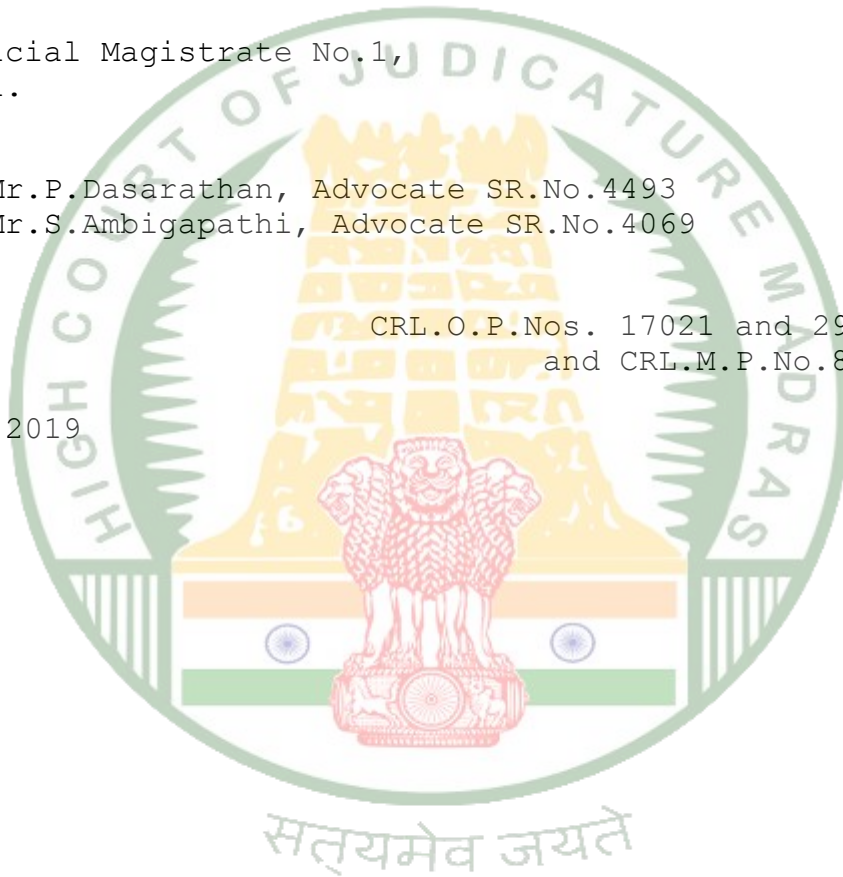
1.The Judicial Magistrate No.1,
Ponneri.

+1 cc to Mr.P.Dasarathan, Advocate SR.No.4493

+1 cc to Mr.S.Ambigapathi, Advocate SR.No.4069

CRL.O.P.Nos. 17021 and 29314 of 2018
and CRL.M.P.No.8787 of 2018

CSL/01.02.2019



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