

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 03.06.2019

CORAM
THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.11674 of 2019
and
Crl.M.P Nos.6040 & 6043 of 2019

N.Shakila Begum

Petitioner

vs.

Arvind Kumar
Represented by his Power Agent,
Mr.Kiran Raj,
Son of Mohanlal,
No.80, Pillayar Koil Streer,
Triplicane, Chennai - 600 005.

Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in C.C.No.3889 of 2017 on the file of the XIX Metropolitan Magistrate, (Corporation Court) in Chennai and quash the same.

For Petitioner : Mr.S.Parthasarathy

ORDER

This petition has been filed challenging the proceedings initiated by the respondent under Section 138 of Negotiable Instruments Act.

2. The learned counsel for the petitioner raised various issues in order to substantiate his arguments that the entire proceedings is an abuse of process of Court. The learned counsel further submitted that the petitioner was also willing to settle the entire dispute and therefore the matter was referred to the Lok Adalat by the Court below and at the time when the settlement was at its final stages, the petitioner came to know that the respondent has also filed some other complaint against the petitioner's brother and when this was questioned, the respondent was not interested in the settlement and the matter was referred back to the Court. The learned counsel further submitted that the petitioner is willing to settle the dispute with the respondent and therefore an opportunity can be given to the petitioner by referring the matter to the Lok Adalat.

3. This Court has carefully considered the submission made by the learned counsel for the petitioner and also perused the materials placed on record.

4. This Court is of the considered view that the grounds that have been raised by the learned counsel for the petitioner is purely factual in nature and this Court cannot go into the same in exercise of its jurisdiction under Section 482 of Cr.P.C. It is left open to the petitioner to raise all the grounds before the Court below and the Court below shall consider the same on its own merits and in accordance with law.

5. In so far as referring the matter for Lok Adalat is concerned, the petitioner is directed to make a request before the trial Court with regard to the same and the trial Court shall make one more attempt to see if the parties can resolve the dispute before the Lok Adalat. It is made clear that if the matter is referred to the Lok Adalat, a specific time shall be fixed for the competition of the same.

6. If in case there is no settlement between the parties before the Lok Adalat, the Court below shall proceed further with the complaint and complete the proceedings within a period of three months, from the date on which the failure report is received by the Court below. Under no circumstances the entire exercise should exceed four months from the date of receipt of copy of this order.

7. The learned counsel for the petitioner requested that the presence of the petitioner may be dispensed with. Taking into consideration the facts and circumstances of the case, the presence of the petitioner is dispensed with before the Court below and she shall be represented by a counsel who shall cross examine the witnesses on the same day, they are examined in Chief. The petitioner shall be present before the Court below at the time of questioning under Section 313 Cr.P.C and at the time of passing of the final judgement.

8. This Criminal Original Petition is disposed of accordingly. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(Insp.Cell)

//True Copy//

Sub Assistant Registrar

ssr

To

1. The XIX Metropolitan Magistrate, (Corporation Court)
Chennai.
2. The Public Prosecutor,
High Court of Madras,
Madras.

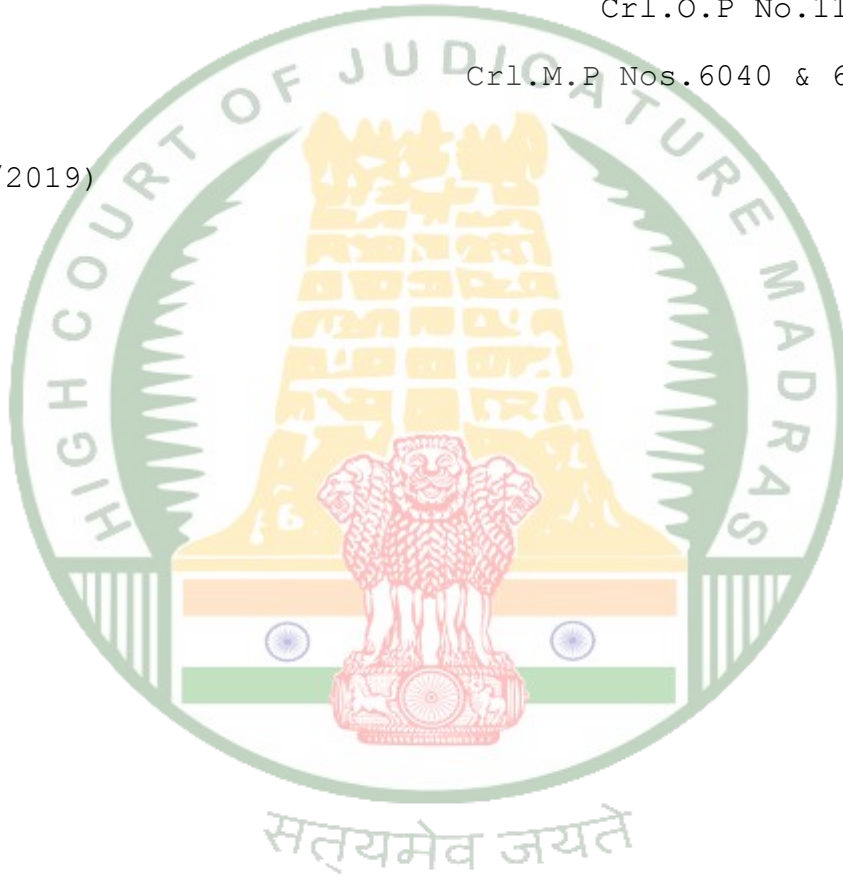
+lcc to Mr.S.Parthasarathy, Advocate, S.R.No.44638

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and

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SSP (CO)

RRS (08/07/2019)



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