

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2019

CORAM

THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P.No.9724 of 2014 and
CrI.M.P.Nos.1 & 2 of 2014

M.Ezhill Arasan

... Petitioner

Vs

R & A Business (Ventures (P) Ltd.,
Represented by its Junior Manager,
Mr.D.Barathraj (M/A 30 years),
3/355, Venkateswaran Nagar,
AGS Colony Exten.,
Kottivakkam,
Chennai-600 041.

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for all the connected records pertaining to C.C.No.3269 of 2011, pending before the learned Fast Track Court-III Magistrate, Saidapet, Chennai 600 015 and to quash the complaint and to set the accused free.

For Petitioner : Mr.A.L.Namasivayam

For Respondent : No appearance

O R D E R

This Criminal Original Petition has been filed to quash the proceedings in C.C.No.3269 of 2011, pending on the file of the Fast Track Court-III Magistrate, Saidapet, Chennai.

2.The learned counsel for the petitioner submitted that the respondent initiated a complaint for the offence under Section 138 of the Negotiable Instruments Act as against the petitioner, due to dishonour of the cheque bearing No.450539 dated 29.09.2010 for a sum of Rs.1,00,000/- (Rupees one lakh only) issued by the petitioner.

3.It is seen that the petitioner issued a cheque for a sum of Rs.1,00,000/- (Rupees one lakh only) towards the part

repayment of the loan amount and the same was returned and dishonoured for the reason of insufficient funds. Thereafter, on 30.04.2013, the petitioner settled the cheque amount of Rs.1,00,000/- (Rupees one lakh only) and it is also evident from the receipt issued by the respondent. Therefore, the entire cheque amount paid by the petitioner. Even after the receipt of the notice from this Court, the learned counsel for the respondent or the respondent have not chosen to appear before this Court and it shows that the entire matter has been settled by the petitioner.

4.Considering the facts and circumstances, the pendency of the above case would not serve any purpose and is clear abuse of process of law. Therefore, this Court is inclined to quash the proceedings against the petitioner.

5.Accordingly, this Criminal Original Petition is allowed and the proceedings in C.C.No.3269 of 2011, on the file of the Fast Track Court-III Magistrate, Saidapet, Chennai is hereby quashed. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(AD IV)

//True Copy//

Sub Assistant Registrar

vv2

To

The Judicial Magistrate No.III,
Fast Track Court-III,
Saidapet, Chennai.

+1cc to Mr.L.Namasivayam, Advocate Sr.39825

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srg 30/05/2019