

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.02.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.3557 of 2014
and M.P.Nos.1 and 2 of 2014

M.Wellesli

...Petitioner

-Vs-

U.Babu

... Respondent

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., calling for the records in C.C.No.187 of 2011 on the file of the Judicial Magistrate, Gudiyatham, Vellore District and quash the same.

For Petitioner : M/s.Kamatchi D

For Respondent : No appearance

ORDER

The Criminal Original Petition has been filed to quash the proceedings in C.C.No.187 of 2011 on the file of the Judicial Magistrate, Gudiyatham, Vellore District.

2. The petitioner has been a surety for his brother to obtain a vehicle loan to the tune of Rs.99,000/-, for which undated and unfilled cheques and a pro note has been given as a security. The petitioner's brother had paid Rs.6,105/- as monthly installment for a period of nine months i.e. Rs.37,325 has been paid and he could not pay the balance amount of Rs.55,000/-. Therefore, the Finance Company has seized the said vehicle and recovered the balance loan amount. Whiles, in the year 2011, the said Finance Company had issued a legal notice stating that the cheque given by the petitioner and his brother has been returned with an endorsement "Account Closed" and therefore, the petitioner and his brother are liable to pay a sum of Rs.1,60,000/- and also filed a private complaint before the learned Judicial Magistrate, Gudiyatham in C.C.No.187 of

2011 for the offence under Section 138 of Negotiable Instruments Act. Hence, the petitioner has filed the present petition with aforesaid prayer.

3. It is seen that the petitioner did not raise any ground to quash the proceedings initiated under Section 138 of N.I.Act. There are specific allegations and materials to attract the offence punishable under Section 138 of N.I.Act. Therefore, this Court is not inclined to quash the proceedings in C.C.No.187 of 2011. Accordingly, this Criminal Original Petition is dismissed.

4. However, considering that the C.C., is of the year 2011, the learned Judicial Magistrate, Gudiyatham, Vellore District, is directed to complete the trial proceedings in C.C.No.187 of 2011, within a period of six months from the date of receipt of copy of this order, if not already disposed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

rm

To

1. The Judicial Magistrate,
Gudiyatham,
Vellore District.

2. The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.3557 of 2014
and M.P.Nos.1 and 2 of 2014

ssi[col]
srg 08/04/2019

WEB COPY