

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.5501 of 2017
and
Crl.MP.No.4108 of 2017

T.Francis Nelson

.. Petitioner

Vs.

N.Sivakumar Rajaprabhu

..Respondent

PRAYER:

Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records in C.C. No. 600 of 2016 on the file of Judicial Magistrate, Alandur, Chennai and quash the same.

For Petitioner : M/s.M.Vijay Anand

For Respondent : No Appearance

O R D E R

The prayer in the present petition is to call for the records in C.C. No. 600 of 2016 on the file of Judicial Magistrate, Alandur, Chennai and quash the same.

2. The case of the petitioner is that he is arrayed as accused in a case filed under Section 138 N.I Act by the respondent herein in C.C. No. 600 of 2016 on the file of the learned Judicial Magistrate, Alandur. The case is that, the petitioner has approached the respondent for short term loan through a friend and the respondent gave a sum of Rs.17,00,000/-. To repay the same, the petitioner gave two cheques for the amounts Rs.15,00,000/- and Rs.2,00,000/- dated 24.07.2015 and 28.07.2015 respectively. When said cheques were presented for realisation, the same were returned with an endorsement "Insufficient Funds". When informing the same to the petitioner/accused, he had issued another cheque for a sum of Rs.17,00,000/-, the said cheque was also came to be dishonoured

as 'Funds Insufficient". Against which, the respondent herein has preferred a complaint before the trial Court, the same is pending.

3. Heard the learned counsel for the petitioner and perused the materials available on record. No representation on behalf of the respondent.

4. On a perusal of records and on considering the facts and circumstances of the case, this Court finds no reason to quash the case in C.C. No.600 of 2016 pending on the file of the learned Judicial Magistrate, Alandur. The pendency of this petition is not an impediment to proceed with the trial. Therefore, the trial Court is directed to proceed with the trial in accordance with law.

In view of the above, the Criminal Original Petition stands dismissed. consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS V)

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Sub Assistant Registrar

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To

The Judicial Magistrate,
Alandur, Chennai.

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and
Crl.MP.No.4108 of 2017

SPD(CO)
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