

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.11.2019

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

CRL.O.P.NO.23887 OF 2019

Mrs.P.Vijaya Lakshmi

...Petitioner

Vs

Mrs.J.Suseekaram

...Respondent

PRAYER:

Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the Fast Track -Magisterial Court, Tiruvallur, to take back the case pending trial in S.T.C.No.48 of 2018 on the file of the Court of Fast Track-Magisterial Court, Tiruvallur and the case may be proceeded in accordance with law.

For Petitioners : Mr.C.V.Kumar

For Respondent : No appearance

O R D E R

Notice has been served to the respondent. But, none appears on behalf of the respondent.

2.It is stated by the learned counsel for the petitioner that pending S.T.C.No.48 of 2018 on the file of the Fast Track Magisterial Court, Tiruvallur, the matter was referred to the the Lok Adalat for mediation and ultimately, on 14.07.2018, the respondent herein had agreed to pay Rs.15,00,000/- towards the cheque amount in three intallments of Rs.4,00,000, Rs.4,00,000 and Rs.7,00,000/- with dead lines.

3.It is stated by the learned counsel for the petitioner that during the month of October 2018, the respondent herein had paid only a sum of Rs.90,000/- and thereafter, has not paid any other amount. As per the terms of the settlement, the first installment of Rs.4,00,000/- was required to be paid on or before 05.10.2018, the second installment was to be paid on or before 30.11.2018 and the third installment of Rs.7,00,000/- was to be paid on or before 15.01.2019. Though all these periods

referred to in the terms of the settlement had lapsed, the respondent has not paid a single amount. As such, the prayer sought for by the petitioner requires consideration.

4. According to the learned counsel for the petitioner, the case papers in S.T.C.No.48 Of 2018 are still on the file of the concerned Lok Adalat organized by the District Legal Services Authority, Tiruvallur. In view of the breach of the terms and conditions of the settlement arrived at between the parties, it would be appropriate for the trial Court to continue with the proceedings initiated for the offence under Section 138 of the Negotiable Instruments Act. Consequently, there shall be an direction to the Court of Fast Track-Magisterial Court, Tiruvallur to call back for the papers in S.T.C.No.48 of 2018 from the Lok Adalat organized by the District Legal Services Authority, Tiruvallur and take the same on file and continue with the proceedings in S.T.C.No.48 of 2018, in accordance with law.

5. The Criminal Original Petition is disposed of Accordingly.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

tsg

To

1. Fast Track -Magisterial Court,
Tiruvallur

2. The Public Prosecutor,
High Court of Madras.

+lcc to Mr.C.V.Kumar, Advocate, S.R.No.98769

Crl.O.P.No.23887 of 2019

PM(CO)
CS/04/02/2020