

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P.No.16715 of 2017  
and CrI.M.P.Nos.10264, 10265 of 2017

Sharadha Yadav

... Petitioner/Accused-2

Vs

Mohamed Imtiyaz

... Respondent/Complainant

Prayer:

Criminal Original Petition filed under Section 482 Cr.P.C., to call for the entire records from the Learned Metropolitan Magistrate, Fast track Court No.1, Allikulam Commercial Complex, Moore Markent, Chennai 3, in C.C.No.3705 of 2016 and quash the cognizance as well as all further proceedings pending on the file of Learned Metropolitan Magistrate, Fast Track Court No.1, Allikulam Commercial Complex, Moore Markent, Chennai 3, in C.C.No.3705 of 2016.

For Petitioner : Mr.J.Jothi

For Respondent : Mr.C.Jayabala

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O R D E R

The petition has been filed to quash the proceedings in C.C.No.3705 of 2016 on the file of the Metropolitan Magistrate, Fast Track Court No.1, Allikulam, Moore Market, Chennai-3.

2.The learned counsel for the petitioner would submit that there are totally three accused in the proceedings initiated by the respondent for the offences punishable under Section 138 of the Negotiable Instruments Act, in which, the petitioner arrayed as second accused. He further submitted that the first accused only issued a cheque. The petitioner/second accused is the wife of the first accused. Therefore, she is no way connected with the present complaint. Therefore, he sought for quash the entire proceedings.

3.The learned counsel for the respondent fairly submitted that the petitioner arrayed as second accused, she is not the one who issued the cheque and this Court already quashed the entire proceedings against the third accused in Crime No.11163 of 2017 by an order dated 27.03.2018 for the same ground.

4.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent.

5.The learned counsel for the respondent has no objection to quash the proceedings as against the petitioner concerned. Recording the same, the entire proceedings against the petitioner alone is quashed. Considering the year of the C.C (ie.,) 2016. The trial Court namely the learned Metropolitan Magistrate, Fast Track Court No.1, Allikulam Commercial Complex, Moore Markent, Chennai 3 is directed to complete the trial proceedings in C.C.No.3705 of 2016 within a period of three months from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

rna

To

The Metropolitan Magistrate,  
Fast Track Court No.1,  
Allikulam Commercial Complex,  
Moore Markent, Chennai 3.

+1cc to M/S.J.Jothi, Advocate, S.R.No.19230  
+1cc to M/S.S.Menaka, Advocate, S.R.No.19167

CrI.O.P.No.16715 of 2017  
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10265 of 2017

SJ(CO)  
CS/03/04/2019