



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.(MD) . Nos.1809 & 1813 of 2019

and Crl.M.P.(MD) Nos. 976 & 977 of 2019

in Crl. O.P.(MD) No. 1809 of 2019 and

Crl.M.P.(MD) Nos. 979 & 980 of 2019

in Crl.O.P.(MD) No. 1813 of 2019

J. Sriram

... Petitioner in both Crl.O.Ps

Vs

R. Veeraputhiran

... Respondent in both Crl.O.Ps

COMMON PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, to call for the records pertaining to STC Nos. 152 & 151 of 2018 respectively; on the file of the Judicial Magistrate No.I, Tirunelveli and quash the same.

In Both Crl. O.Ps.

For Petitioner

: Mr. T.Sakthikumaran

For Respondent

: Mr.B. Jeyakumar

COMMON ORDER

These petitions have been filed to quash the proceedings in STC Nos. 152 & 151 of 2018 respectively; on the file of the learned Judicial Magistrate No.I, Tirunelveli as against the petitioner for the offence under Section 138 of Negotiable Instruments Act.

2. The learned counsel appearing for the petitioner as well as the respondent submitted that they have settled the entire issue and also filed a memo of settlement. The respondent/complainant also filed an affidavit to that extent. The affidavit of the respondent is extracted hereunder';

"1. I submit I am the complainant in STC NO. 151 & 152 of 2018 filed before the Judicial Magistrate Court No.I, Tirunelveli against the petitioner herein.

2. I submit that this joint memorandum of settlement is entered into by J. Sriram, Petitioner herein and R. Veeraputhiran, myself the respondent herein after mutual discussion between us on the terms stated below:

(i)The respondent will not pursue the complaint filed before the Judicial Magistrate Court No.I,



Tirunelveli in STC No. 151 & 152 of 2018 against the petitioner.

(ii) The respondent will return the personal cheque book (Axis Bank) of the petitioner to him, forthwith.

(iii) The Respondent gives his consent and has no-objection for the quashing of the case pending before the Judicial Magistrate Court No.I, Tirunelveli in proceedings STC No. 151 & 152 of 2018.

(iv) The Respondent myself give my consent and has no-objection for the quashing of the case pending before the Judicial Magistrate Court No.I, Tirunelveli in proceedings STC No. 151 & 152 of 2018.

(v) The petitioner agrees not to pursue the complaints given by him to the Superintendent of Police, Tirunelveli and Commissioner of Police, on theft of his cheque book, against the Respondent, further.

(vi) In view of the above, both petitioner and respondent state that they have no further claims or complaints against each other in their personal capacities.

It is prayed that this Hon'ble Court may be pleased to record the aforesaid Joint Memo filed on behalf of the Petitioner and Respondent, Quash the proceedings pending as STC No. 151/2018 and STC No.152/2018 on the file of Judicial Magistrate, Court No.1, Tirunelveli and thus render Justice".

3. They also entered joint memo of settlement and the joint memo of settlement is extracted hereunder';

"(i). The respondent will not pursue the complaint filed before the Judicial Magistrate Court No.1, Tirunelveli in STC No. 151 & 152 of 2018 against the petitioner.

(ii) The respondent will return the personal cheque book (Axis Bank) of the petitioner to him, forthwith.

(iii) The Respondent gives his consent and has no-objection for the quashing of the case pending before the Judicial Court No.1, Tirunelveli in proceedings S.T.C. No. 151 & 152 of 2018.

(iv) The petitioner agrees not to pursue the complaints given by him to the Superintendent of Police, Tirunelveli and Commissioner of Police, on theft of his cheque book, against the Respondent, further.

<https://hcservices.ecourts.gov.in/hcservices/> (v) In view of the above, both petitioner and



respondent state that they have no further claims or complaints against each other in their personal capacities".

4. In view of the above, pendency of the proceedings would not serve any purpose.

5. In view of the facts and circumstances, the proceedings in STC Nos. 152 & 151 of 2018 respectively; on the file of the learned Judicial Magistrate No.I, Tirunelveli are quashed and the Criminal Original Petitions are allowed. The joint memo of compromise and the affidavit of the respondent shall form a part and parcel of the order.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

ksa

Encl:

Joint Compromise Memo and Affidavit filed by the Respondent

To

The Judicial Magistrate No.I,
Tirunelveli.

+1 CC to M/s.T. SAKTHI KUMARAN, Advocate (SR-102138[F] dated 28/11/2019)

Common Order
Crl.O.P. (MD) .Nos.1809 &
1813 of 2019
28.11.2019

JMN(07.01.2020) 3P : 3C