



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.11.2019

CORAM:

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

Cr1.O.P. (MD) No.5894 of 2018

and

Cr1.M.P. (MD).Nos.2823 and 2824 of 2018

M.Mohammed Nazar

... Petitioner/Accused

Vs.

R.Saravanan

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records relating to the proceedings in S.T.C.No.39 of 2016 on the file of the learned Judicial Magistrate No.1, Tirunelveli and quash the same as it has no prima facie case as against the petitioner.

For Petitioner : Mr.Ananth C.Rajesh

For Respondent : Mr.V.S.Kishok Kumar

ORDER

This Criminal Original petition has been filed to quash the proceedings in S.T.C.No.39 of 2016 on the file of the learned Judicial Magistrate No.1, Tirunelveli.

2.The learned counsel appearing for the respondent submitted that this petition is filed only on the ground that the alleged cheque bearing No. 328334 drawn on Corporation Bank, Tirunelveli is used for initiating two complaints under the Negotiable Instruments Act. The respondent lodged a complaint under Section 138 of Negotiable Instruments Act in S.T.C.No.276 of 2013, on the file of the Judicial Magistrate No.1, Tirunelveli. Thereafter, on the direction issued by the Honourable Supreme Court of India, the complaint was returned. As per the direction issued by the Honourable Supreme Court, transferred the said complaint before the Judicial Magistrate No.1, Tirunelveli and the same has been taken on file and assigned new number as S.T.C.No.39 of 2016. Therefore, both the complaints are one and the same and the respondent never initiated two complaints on the very same cheque.

3.Considering the facts and circumstances of the case, the petition is devoid of merits and liable to be dismissed. Accordingly this Criminal Original Petition is dismissed. Consequently connected



miscellaneous petitions are closed. However, the trial Court is directed to complete the trial in S.T.C.No.39 of 2016 within a period of six months from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar(AS)

// True Copy //

Sub Assistant Registrar(CS)

vsg

To:

The Judicial Magistrate No.1,
Tirunelveli.

+1 CC to M/s.ANANTH C. RAJESH, Advocate (SR-100203[F] dated
21/11/2019)

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mr (CO)

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