

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.01.2020

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.O.P.No.30630 of 2013 and  
M.P.Nos.1 & 2 of 2013 and  
Crl.M.P.No.1120 of 2018

E.Sugumar

... Petitioner

Vs.

M/s.Arujun Amaravathi Chits (P) Ltd.,  
Reg. Office at No.30, Kutchery Road,  
Mylapore, Chennai 600 004.  
Rep. by its Executive Assistant,  
T.Damodaran

... Respondent

PRAYER : Criminal Original Petition filed under Section 482  
Cr.P.C. praying to call for the records in C.C.No.3740 of 2013  
on the file learned XVIII Metropolitan Magistrate, (Fast Track  
Court), Saidapet, Chennai, and to quash the same.

For Petitioner : Mr.T.Ravidevan

For Respondent : Notice served-No Appearance

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ORDER

The respondent filed a private complaint under section 200  
of Cr.P.C. for the offence under Section 138 of Negotiable  
Instruments Act (in short 'the NI Act') against the petitioner  
before the learned XVIII Metropolitan Magistrate, (Fast Track  
Court), Saidapet, Chennai. The learned Magistrate took  
cognizance on the complaint in C.C.No.3740 of 2013 and issued  
summons on the petitioner/accused. After receipt of summons, the  
accused approached this Court seeking to quash the above  
calender case invoking Section 482 of Cr.P.C.

2 According to learned counsel appearing for the  
petitioner for the very same cheque, which is in dispute in the  
present complaint, the respondent has initiated arbitration  
proceedings, wherein an award was also came to be passed,  
against which the petitioner filed an appeal, which is now  
pending. Hence for the very same set of offence, the petitioner  
should not be prosecuted twice. Therefore the present case is  
liable to be dismissed.

3 None appeared for respondent. Heard the learned counsel appearing for the petitioner and perused the materials available on record.

4 It is the contention of the petitioner that for the very same disputed cheque, the respondent has filed criminal complaint and also initiated arbitration proceedings. But, on a careful perusal of the order passed in the arbitration proceedings, it reveal that arbitration has been initiated by the respondent only for the remaining amount to be settled by the petitioner and the present complaint is filed for dishonor of the cheque issued by the petitioner towards part settlement of the due. Hence, the contention of the petitioner is not acceptable. This Court does not find any reason to invoke power under Section 482 of Cr.P.C. and quash the case.

5 Accordingly, this criminal original petition is dismissed. Consequently connected miscellaneous petitions are closed. However, the petitioner/accused is at liberty to raise all his defence before the trial Court. Further, since the case in C.C.No.3740 of 2013 is pending from the year 2013, the trial Court is directed to dispose of the above calender case in accordance with law within a period of four months from the date of receipt of a copy of this order and file a report on the same before this Court.

Sd/-

Assistant Registrar (CS-IV)

// True Copy //

Sub Assistant Registrar

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To

The XVIII Metropolitan Magistrate, (Fast Track Court),  
Saidapet, Chennai. सत्यमेव जयते

Crl.O.P.No.30630 of 2013 and

M.P.Nos.1 & 2 of 2013 and

Crl.M.P.No.1120 of 2018

MP (CO)

CSR: 05.03.2020

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