



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.08.2021

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

CrI.OP.Nos. 9224 & 9225 of 2016
and
CrI.M.P.Nos. 4770 & 4771 of 2016

T.K.C. Udayakumar ... Petitioner(in both CrIOPs)/
Accused

Versus

V.S.O. Balakrishnan ...Respondent in both CrIOPs)/
Complainant

Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the complaint in C.C.Nos.2057 and 2056 of 2015 on the file of II Fast Track Court, Egmore, respectively and quash the same.

For Petitioner : M/s. S. Venkatasubramaniam
(in both CrIOPs)

For Respondent : Mr. M. Soundar Vijayagalram
(in both CrIOPs)

COMMON ORDER

These Criminal Original Petitions have been filed to quash the proceeding in C.C.Nos.2056 and 2057 of 2015 pending on the file of II Fast Track Court, Egmore, Chennai, respectively.

2. According to the complainant, he filed a complaint under Section 200 of Cr.P.C., punishable u/s.138-A r/w 142 of the Negotiable Instrument Act as amended in the year 2002. In order to discharge his liabilities, the accused had issued two cheques to the complainant bearing Cheque Nos.(i)577804 dated



04.12.2014 a sum of Rs.5,00,000/- and (ii) 577805 dated 11.12.2014 a sum of Rs.2,50,000/- respectively, drawn on ABN Amro Bank, Harirngton Road, KRM Towers, Chetpet, Chennai-600 031. Believing the words of the accused, the complainant presented the aforesaid two cheques for realization to the bankers viz., Vijaya Bank, Anna Nagar Branch on 08.12.2014 and 11.12.2014 and the cheque No.577804 was returned with an endorsement "funds insufficient" and another cheque No.577805 "stop payment" was effected by the complainant. In this regard, the complainant had informed the accused about the same. Hence, the accused is liable to pay a sum of Rs.5,00,000/- and Rs.2,50,000/- to the complainant. Subsequently, the complainant had issued legal notice dated 07.01.2015 calling upon the accused to repay the total amount of Rs.7,50,000/-, and the accused had given a false and frivolous reply dated 20.01.2015 which is not sustainable. Hence, the accused is liable to prosecute under Section 138 r/w 142 of the Negotiable Instrument Act as on 2002. Therefore, the complainant filed a complaint u/s.138 of the Negotiable Instrument Act before the learned Fast Track Court-I, Egmore, Chennai, against the petitioner/accused in C.C.No.2056 & 2057 respectively.

3. Today, when the matter was taken up for hearing, the learned counsel for the respondent/complainant, on instructions, submitted that the respondent/complainant died in this case. Subsequently, the legal heirs of the deceased respondent have not come forward to prosecute the matter and also trial had already been commenced before the Court below, therefore, the relief sought for by the petitioner has now become infructuous.

4. In view of the above submission made by the learned Counsel for the respondent/complainant, nothing survives for further adjudication in these petitions, hence, these Criminal Original Petitions are closed. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

msm



To

1. II Fast Track Court, Egmore,
Chennai.

2. The Public Prosecutor,
High Court of Madras.

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VG-II (CO)
SU (20/09/2021)