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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.06.2021

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THE HONOURABLE MR. JUSTICE M.DHANDAPANI

CRL.O.P.Nos.1607, 1608 & 1991 of 2018

and

Crl.M.P.Nos.599, 600, 601, 602, 753 & 754 of 2018

S.Nirmala ...Petitioner in all petitions

Versus

K.Madhavi Devi ...Respondent in Crl.O.P.No.1607/2018
M.G.Aswini Priyadharshini ...Respondent in Crl.O.P.No.1608/2018
M.G.Mageswari ...Respondent in Crl.O.P.No.1991/2018

PRAYER in Crl.O.P.Nos.1607 & 1608 of 2018: Criminal Original Petitions filed under Section 482 of the Code of Criminal Procedure, to call for the records in S.T.C. Nos. 488 & 489 of 2017 on the file of learned Fast Track Magistrate No.I, Erode and quash the same.

PRAYER in Crl.O.P.No.1991 of 2018: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in S.T.C. No.705 of 2017 on the file of learned Judicial Magistrate No.II, Karaikal and quash the same.

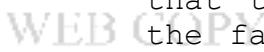
For Petitioner : Mr.C.Muthusaravanan
..in all petitions

For Respondents : Mr.C.S.Saravanan
..in Crl.O.P.Nos.1607 & 1608/2018

For Respondent : Mr.K.M.Aasim Shehzad
for M/s.B.F.S.Legal
..in Crl.O.P.No.1991 of 2018

COMMON ORDER

The petitioner has filed these petitions seeking to call for the records and to quash the proceedings in S.T.C. Nos.488 & 489 of 2017, on the file of the learned Judicial Magistrate



2. Facts leading to the present round of litigation is that the petitioner had purchased the property in dispute from the father and brothers of the complainant. Since the property is an ancestral property, the mother of the complainant herein is having 1/4th share of the said property and suppressing those facts, the brothers and father of the complainant sold the property in favour of the petitioner herein. The mother of the complainant herein has also filed a Suit before the District Court, Trichy in O.S.No.144 of 2012 for partition and separate possession of her 1/4th undivided shares in the property and it is pending adjudication. In order to release of 1/4th undivided shares from the complainant, the petitioner herein approached the complainant for amicable settlement and agreed to pay Rs.28,16,150/- in cash and Rs.6,00,000/- each by cheque. The complainant, her mother and sister accepted the offer and accordingly they released 1/4th undivided shares in the properties purchased by the petitioner under a Deed of Release dated 23.02.2017 and though, the petitioner had issued series of cheques in favour of the complainant, when it was presented before the Bank, the same has been dishonoured for want of sufficient funds and the cash of Rs.28,16,150/- has also not been paid. Hence, the complainant has served legal notice upon the petitioner, however, the petitioner did not settle the amount. Therefore, the complainant has lodged a complaint before the Trial Court.

4.Hence, I am not inclined to interfere with the proceedings in S.T.C. Nos.488 & 489 of 2017, on the file of the learned Judicial Magistrate No.I, Erode and S.T.C.No.705 of 2017, on the file of learned Judicial Magistrate No.II, Karaikal.

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the Trial Court to expedite the trial and complete the same as early as possible. He further submitted that the appearance of the petitioner before the Trial Court may be dispensed with.

6.In view of the above, this Court directs the learned Judicial Magistrate No.I, Erode and the learned Judicial Magistrate No.II, Karaikal, to expedite the trial in S.T.C. Nos.488 & 489 of 2017 and S.T.C.No.705 of 2017 and complete the same, within a period of six months from the date of receipt of a copy of this order. The appearance of the petitioner before the Trial Court is dispensed with. However, this order will not stand on the way of the Trial Court to insist for the appearance of the petitioner for receiving copies under Section 207 of Cr.P.C., framing of charges, questioning under Section 313 of Cr.P.C. and judgment and as and when the Trial Court feels it necessary.

7.With the above directions, these criminal original petitions are disposed of. Consequently, connected miscellaneous petitions, if any, are closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1. Fast Track Magistrate - I,
Erode.
2. Judicial Magistrate No.II,
Karaikal.

CRL.O.P.Nos.1607, 1608 & 1991 of 2018
and
Crl.M.P.Nos.599, 600, 601, 602, 753 & 754 of 2018

KV[co]
NSK 23/07/2021