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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 23.11.2021

C O R A M

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Crl. O.P. No.822 of 2017

&

Crl.M.P.Nos.595 and 596 of 2017

S.Sugendiran

...Petitioner / Accused

Versus

J.Rani Jayaraman

...Respondent/Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Cr.P.C. to call for the records and quash the private complaint in S.T.C.No.194/2016 on the file of Judicial Magistrate - I, Mannargudi.

For Petitioner ...

Mr.C.D.Johnson

For Respondent ...

Mr.Ranjith Kumar
for Mr.J.Jawahar

O R D E R

This petition has been filed to quash the proceedings in S.T.C.No.194 of 2016 pending on the file of Judicial Magistrate - I, Mannargudi for the offence under Section 138 of Negotiable Instrument Act, 1881.

2. Heard the learned counsel for petitioner and the learned counsel appearing on the behalf of the respondent.

3. The main ground urged before this Court to quash the private complaint is that the notice has been sent in the name of one Surendar instead of the original name of the accused Sugendiran. That apart, already a complaint was lodged before the police station for stealing the signed cheques. Hence, it is the contention of learned counsel for petitioner that the private complaint cannot be maintainable.



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4. When the court was about to dismiss the criminal original petition, the learned counsel for the petitioner sought permission of this Court to withdraw the criminal original petition.

5. In view of the above submission made by the learned counsel for petitioner, this criminal original petition is dismissed as withdrawn. However, the trial Court is directed to dispose of S.T.C.No.194/2016, within a period of six months from the date of receipt of a copy of this order. Personal appearance of the petitioner is dispensed with except for receiving copies and answering charges and 313 questioning or any other date that may be fixed by the trial Court. The petitioner shall file an application before trial Court under Section 436 Cr.P.C and execute a bond for Rs.10,000/- with two sureties each. Consequently, connected miscellaneous petitions are closed. No costs.

s/d-
Assistant Registrar

//True Copy//

Sub-Assistant Registrar

gba/gpa
To

1. The Judicial Magistrate Court I,
Pollachi.

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NMI (CO)
SP(02/12/2021)