



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 06.10.2021

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

CrI.OP.No.6657/2017 & CrI.MP.Nos.4873 & 4874/2017

[Video Conferencing]

Ganapathy ...Petitioner/Accused
Versus
K.J.Ravi ...Respondent/Complainant

Prayer : - Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records relating to C.C.No.3110 of 2016 on the file of the Fast Track Court No.IV (Magisterial Level), George Town, Chennai and to quash the same.

For Petitioner : Mr.W.Camyles Gandhi
For Respondent : Mr.M.Prabakar

ORDER

Heard Mr.W.Camyles Gandhi, learned counsel for the petitioner and Mr.M.Prabakar, learned counsel for the respondent.

2.The present petition has been filed under Section 482 of Cr.P.C seeking interference with further progress of C.C.No.3110 of 2016 now pending on the file of the Fast Track Court No.IV, (Magisterial Level) George Town, Chennai.

3.The respondent herein had an occasion to prefer a private complaint under Section 200 Cr.P.C alleging offence under Section 138 of Negotiable Instruments Act, 1881 owing to the fact that the petitioner herein / accused had issued a cheque which had been returned when presented for payment with an endorsement 'funds insufficient'. After going through the process as enunciated in the said enactment, the respondent as stated above preferred a private complaint under Section 200 Cr.P.C which had been taken cognizance under Section 138 of Negotiable Instruments Act, 1881 by the learned Magistrate No.IV, FastTrack Court (Magisterial Level), George Town, Chennai as C.C.No.3110 of 2016.

4.Mr.W.Camyles Gandhi, learned counsel for the petitioner stated that there was a dispute with respect to the actual amount borrowed, whether it was Rs.1,00,000/- or Rs.1,50,000/-.



The learned counsel stated that this can be resolved between the parties.

5.Mr.M.Prabakar, learned counsel for the respondent stated that such a dispute is a dispute on fact and it is only on conclusion of trial such an issue can be determined by the trial Court.

6.It would only be appropriate that the parties are referred back to the trial Court, with a direction for them to participate in the trial proceedings. Naturally, the present petition is dismissed. Consequently, the connected miscellaneous petitions are dismissed.

7.However, I would also observe that if both the parties are inclined, the learned Magistrate may examine the possibility of referring the matter to mediation to determine the actual amount, but if either one of the two parties are not inclined to subject themselves to that particular process, then the trial Court may proceed further. However, an obligation is placed on the learned Magistrate to give a quietus in C.C.No.3110 of 2016, either on conducting trial or after obtaining a report from the Mediation and Conciliation Centre, and at any rate, the trial should be completed on or before 31.01.2022.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1. The Fast Track Court No.IV (Magistrate Level),
George Town, Chennai.

2. The Public Prosecutor
High Court, Madras.

Copy to

The Secretary ,
Mediation and Conciliation Centre,
High Court, Madras.

+1cc to Mr.W.Camylen Gandhi, Advocate, S.R.No.52487

CrI.OP.No.6657/2017

MG[vo]

NSK 28/10/2021