



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 2/12/2021

C O R A M

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

CRL. O.P. NO. 11757 OF 2017

AND

CRL.M.P.NOS.7704, 7705 OF 2017 AND 1039 OF 2018

K.Ilangovan

...Petitioner

Vs

C.Ananatha Nayagi

...Respondent

PRAYER : Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records comprised in C.C.No.101 of 2017 pending on the file of the learned Judicial Magistrate Court (FTC), Alandur, Chennai and quash the same.

For Petitioner ... Mr.Vimal B.Crimson

For Respondents ... No appearance.

O R D E R

This Criminal Original Petition has been filed to quash C.C.No.101 of 2017, pending on the file of the learned Judicial Magistrate Court (FTC), Alandur, Chennai.

2. It is the case of the petitioner that the petitioner issued a cheque towards arrears of rent, for a sum of Rs.1,50,000/- payable by his wife to the defacto complainant. Thereafter, R.C.O.P was initiated by the defacto complainant. In the above proceedings, Rs.1,50,000/- was already paid which has been recorded by the Court on 22/6/2017. Hence prays for quashment of C.C.No.101 of 2017.

3. Heard the learned counsel appearing for the petitioner and there is no representation on behalf of the respondent.



4. This Court is unable to countenance the submission of the learned counsel appearing for the petitioner for quashing the proceedings. Merely because rents have been paid, Rent Control proceedings cannot wipe out the offence under Section 138 of the Negotiable Instruments Act. Therefore, this Court is of the view that since the offence under Section 138 of the Negotiable Instruments Act is distinct, the petitioner has to seek indulgence of the trial Court to take note of the payment was already made in R.C.O.P proceedings.

5. In view of the above, this Criminal Original Petition is dismissed.

6. It is the contention of the learned counsel appearing for the petitioner that complainant is not appearing before the trial Court and causing necessary delay.

7. The learned trial Judge is directed to take necessary steps for securing the presence of the complainant. In the event, the complainant do not cooperate with the Court, learned Magistrate will decide the case on its own merits and dispose of the main proceedings as expeditiously as possible. Consequently, connected Criminal Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

mvs.

To

1. The Judicial Magistrate (FTC),
Alandur, Chennai.
2. The Public Prosecutor,
High Court, Madras.

+lcc to Mr.Vimal B.Crimson, Advocate, S.R.No.63108

CrI. O.P. No. 11757 of 2017

GPL(CO)
RLP(14/12/2021)