



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.12.2021

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P.(MD)No.2468 of 2021 and

CRL.M.P.(MD)No.1295 of 2021

Kumar Singh

... Petitioner / Accused No.1

Vs.

M.Sargunam

... Respondent / Complainant

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to the private complaint in C.C.No.174 of 2007 on the file of the learned Judicial Magistrate No.II, Nagercoil and quash the same as illegal in so far as the petitioner is concerned.

For Petitioner : Mr.G.Anto Prince

For Respondent : Mr.S.Kadarkarai

* * *

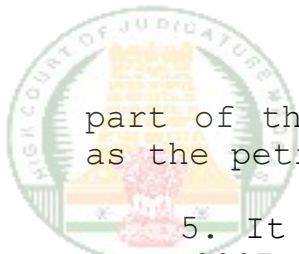
O R D E R

Heard the learned counsel on either side.

2. This criminal original petition has been filed for quashing the proceedings in C.C.No.174 of 2007 on the file of the Judicial Magistrate, Nagercoil.

3. Even though there is a *prima facie* case made out against the petitioner, still in view of the agreement entered into between the parties, the case for quashing has been made out. As per the terms of the agreement, the petitioner had to pay a sum of Rs.2,00,000/-. The said amount has now been paid by the petitioner to the complainant by way of Demand Draft.

4. The petitioner gives an undertaking that he may be deleted from the array of accused and he would depose in favour of the complainant, if called upon to do so. This undertaking of the petitioner is placed on record. Since the petitioner had cleared his



part of the liability, the impugned proceedings are quashed as far as the petitioner is concerned.

5. It is seen that the complaint was lodged as early as in the year 2007. The accused have successfully dragged on the proceedings for 14 long years. Any further delay will defeat the ends of justice. Therefore, the learned trial Magistrate is directed to conclude the case on merits and in accordance with law within a period of four months from the date of receipt of a copy of this order.

6. This criminal original petition is allowed with the aforesaid directions. Consequently, connected miscellaneous petition is closed.

7. Registry to mark a copy of this order to the learned Judicial Magistrate, Nagercoil.

Sd/-

Assistant Registrar (Crl.Side)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

PMU

Note:In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

The Judicial Magistrate No.II,
Nagercoil.

+1 CC to M/s.G.ANTO PRINCE, Advocate (SR-37236[F] dated 03/12/2021)

Crl.O.P.(MD)No.2468 of 2021
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MK/03.12.2021/2P/3C