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CRL.O.P.No.20471 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.10.2022

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.20471 of 2015

and

M.P.No.1 of 2015

James G.Prakash

... Petitioner/Accused

Versus

T.Sivakumar

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for the entire records in S.T.C.No.99 of 2013 on the file of the Judicial Magistrate, Ranipet and quash all further proceeding against the accused.

For Petitioner : Mr.Raghav Menon
for Mr.P.Ramesh Kumar

For Respondent : No appearance

ORDER

This petition has been filed to call for the entire records in S.T.C.No.99 of 2013 on the file of the Judicial Magistrate, Ranipet and quash all further proceeding against the accused.



2. The petitioner/Accused, who is facing trial in S.T.C.No.99 of 2013 on the private complaint filed by the respondent for the offence under Section 138 of N.I. Act, which is pending before the learned Judicial Magistrate, Ranipet, has filed this quash petition.

3. Learned counsel for the petitioner without going into the merits of the case submitted that earlier, when the case was listed on 14.12.2021, the learned counsel had given an undertaking that the petitioner was willing to settle the cheque amount of Rs.12,00,000/- (Rupees Twelve lakhs only) and also undertook to pay the amount in twelve monthly instalments starting from 20.12.2021 ending till 20.11.2022.

4. Mr.Raghav Menon, learned counsel appearing for the petitioner submitted that as per the undertaking, the petitioner had been regularly paying the monthly instalment of Rs.1,00,000/- (Rupees One lakh only). So far, he has paid 10 instalments and the 11th and 12th instalments are due on 20.10.2022 and 20.11.2022, respectively. He further undertakes that he will pay the balance amount of Rs.2,00,000/- (Rupees Two lakhs only) without default.



5. Recording the same, finding that the petitioner had been making regular payments in compliance with the undertaking given by him before this Court on 14.12.2021. So far, ten instalments have been paid and two more instalments have to be paid. Finding that the petitioner had substantially complied with the order of this Court dated 14.12.2021 and further to pay the balance of two instalments without default and thereby discharging his liability of the cheque amount involved in S.T.C.No.99 of 2013. In view of the same, this Court is inclined to quash the proceedings in S.T.C.No.99 of 2013 against the petitioner.

6. Accordingly, the proceedings in S.T.C.No.99 of 2013 on the file of the learned Judicial Magistrate, Ranipet against the petitioner/Accused is hereby quashed on condition that in the event of petitioner making default in paying the balance amount, the order passed by this Court today, will stand cancelled.

7. With the above directions, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petition is closed.

13.10.2022

Index: Yes/No
rsi



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M.NIRMAL KUMAR, J.

rsi

To

- 1.The Judicial Magistrate,
Ranipet.
- 2.The Public Prosecutor,
High Court, Madras.

CRL.O.P.No.20471 of 2015
and
M.P.No.1 of 2015

13.10.2022