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Crl.O.P.(MD)No. 6291 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28/06/2022

CORAM:

THE HON'BLE MR JUSTICE G.ILANGO VAN

Crl.O.P. (MD)No.6291 of 2019
and
Crl.MP (MD)Nos.4162 and 4163 of 2019

S.Ananthan : Petitioner/Accused

Vs.

R.Senthilkumar : Respondent/Complainant

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records records relating to the complaint made in STC No.259 of 2018 on the file of the Judicial Magistrate/Fast Track Court No.II, Madurai and quash the same.

For Petitioner : Mr.P.R.Prithiviraj

For Respondent : Mr.S.Ayyanar Premkumar



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This criminal original petition is filed seeking quashment of the case in STC No.259 of 2018 on the file of the Judicial Magistrate/Fast Track Court No.II, Madurai.

2.The petitioner is facing the charge for the offence under section 138 of the Negotiable Instruments Act before the trial court.

3.The case of the respondent in brief:-

The petitioner alleged to have borrowed a sum of Rs. 15,00,000/-. Towards discharge of the above said amount, he issued a cheque bearing registration No.860942 with a direction to the respondent to fill up the loan amount. When that was presented for payment on 16/03/2018 before the SBI, Chochadai branch, Madurai, that was returned on 08/06/2018 as funds insufficient. After completing the statutory formalities, a private complaint was filed.



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4. Seeking quashment of the same, this petition has been filed on the ground that the respondent has stolen the signed cheque of the petitioner with the help of his wife and father, for which, a case in Crime No.98 of 2019 was registered on the file of the Theni Police Station, Theni for the offences punishable under sections 406, 420, 294(b), 506(i) IPC. So according to the petitioner, the cheque has been misused by the respondent. Even though, it is a matter for consideration by the trial court, it appears that during the pendency of the criminal proceedings as well as the criminal complaint, the respondent, died on 11/08/2019. For filing steps, the matter was repeatedly adjourned before the trial court as well as before this court.

5. The learned counsel appearing for the petitioner would submit that no direct legal heirs are available for the respondent and this case is pending for two years for taking steps. But however, the learned counsel, on record for the respondent, has submitted that one brother was available to the respondent and on that ground, sought time to bring him on record. But in-spite of adjournment, there was no response.



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6. So without going into merits of the case, this criminal original petition is disposed of by directing the trial court to exercise the jurisdiction under section 256(2) Cr.P.C and pass orders in accordance with law.

7. With the above said direction, this petition shall stand disposed of. Consequently, connected Miscellaneous Petitions are closed.

28.06.2022

Internet: Yes/No
Index: Yes/No
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G . ILANGO VAN , J . ,

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