



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

CRL.OP (MD) No.16685 of 2019

and

Crl.M.P (MD) Nos.9889 & 9890 of 2019

Duraivel Rajan

... Petitioner /Accused No.1
-vs-

R.Gopal Rathinam (alias)
Raja Gopal Rathinam

... Respondent/Complainant

PRAYER : Criminal Original Petition filed under Section 482 Cr.P.C, to call for records pertaining to the proceedings in C.C.No.1271 of 2019 on the file of the Judicial Magistrate No.II, Tiruchirappalli and quash the same as against the petitioner.

For Petitioner : Mr.D.S.Haroon Rasheed

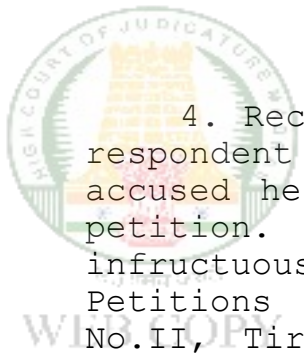
For Respondent : Mr.M.Karunanithi

ORDER

This Criminal Original Petition has been filed seeking orders to call for the records in C.C.No.1271 of 2019 pending on the file of the Judicial Magistrate No.II, Tiruchirappalli and quash the same.

2. The respondent has filed a private complaint against the petitioner and his wife for the alleged offences under Sections 138 r/w 142 of Negotiable Instruments Act.

3. When the matter is taken up for hearing today, the learned counsel for the respondent would submit that since the cheque was issued by the second accused wife of the first accused the petitioner herein, they have filed a memo before the trial Court to exonerate the petitioner/first accused and on that basis, the learned Judicial Magistrate No.II, Tiruchirappalli has passed an order exonerating the petitioner from the case in C.C.No.1271 of 2019. He would further submit that since the case is pending from the year 2019 the trial Court may be directed to dispose of the case within the time fixed by this Court.



4. Recording the submission made by the learned counsel for the respondent that no case is pending as against the petitioner/first accused herein, nothing survives for further adjudication in this petition. Hence this Criminal Original Petition is dismissed as infructuous. Consequently, the connected Criminal Miscellaneous Petitions are closed. However, the learned Judicial Magistrate No.II, Tiruchirappalli is directed to complete the trial and to dispose of the case in C.C.No.1271 of 2019 as expeditiously as possible, preferably, within a period of six months from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

ebsi

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

1.The Judicial Magistrate No.II,
Tiruchirappalli.

CRL.OP(MD) No.16685 of 2019

and

Crl.M.P(MD) Nos.9889 & 9890 of 2019

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MGJ(08.02.2022) 2P 2C