



CrI.O.P.(MD)Nos.17400 of 2019 and 1792 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P.(MD)No.17400 of 2019

and

CrI.M.P(MD)Nos.10243 and 10244 of 2019

and

CrI.O.P(MD)Nos.1792 of 2020

and

CrI.M.P(MD)Nos.850 & 848 of 2020

N.G.Bharathi ... Petitioner in CrI.O.P(MD)No.17400/2019
/Accused No.2

N.S.Madhanlal ... Petitioner in CrI.O.P(MD)No.1792 of 2020/
Accused No.3

Vs.

1.The State
rep. by Inspector of Police,
Central Crime Branch,
Madurai City,
Madurai.
(Crime No.28 of 2003) ... 1st respondent / complainant

2.G.T.Sambantham,
Senior Manager,
Canara Bank,
Ramnad Road Branch,
Madurai. ... 2nd respondent / Defacto
Complainant



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COMMON PRAYER : Criminal Original PetitionS filed under Section 482 of Cr.P.C.,to quash the C.C.No.151 of 2010 pending on the file of the learned Judicial Magistrate No.1, Madurai.

(In both Crl.O.Ps)

For Petitioner	: Mr.R.Singaravelan, Senior Counsel for Mr.D.Selvanayagam
For R-1	: Mr.K.Sanjai Gandhi, Government Advocate(Crl. Side)
For R-2	: Mr.M.Muthukumaran

COMMON ORDER

These Criminal Original Petitions have been filed to quash the proceedings in C.C.No.151 of 2010 pending on the file of the learned Judicial Magistrate No.I,Madurai.

2. The petitioners have been arrayed as A-2 and A-3 in the final report and the final report has been filed for the offence under Sections 406, 409, 419, 420 and 477(A) of Indian Penal Code. It is also brought to the notice of this Court that A-1 died during the pendency of the proceedings.



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3. The main allegation that has been made against the petitioners in the final report is that they borrowed a sum of Rs.47,00,000/- in the guise of supplying silk sarees and whereas they supplied some other material and thereby the petitioners are said to have cheated the bank and obtained the loan.

4. The learned Senior Counsel appearing on behalf of the petitioners submitted that during the pendency of these petitions, One Time Settlement was offered by the bank through letter dated 27.12.2018 and the petitioners also accepted the offer. The bank had also initiated proceedings before the Debts Recovery Tribunal, Madurai, to recover the amount from the petitioners. In the said proceedings, the One Time Settlement was accepted and the entire amount was settled. The learned Senior Counsel further submitted that the 'Full Satisfaction Memo' was recorded and the Registry was also directed to recall the Debt Recovery Certificate issued by the Tribunal. To substantiate the same, the learned Senior Counsel produced the relevant documents in T.A.No.263 of 2007 and T.A.No.264 of 2007.



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5. In view of the above development, no useful purpose will be served in continuing with the criminal proceedings. The main grievance of the bank has been satisfied and there is no requirement to continue with the criminal proceedings which has almost become stale. The continuation of the proceedings at this stage will only amount to an abuse of process of Court and hence, this Court is inclined to interfere with the proceedings in exercise of its jurisdiction under Section 482 of Cr.P.C. Accordingly, the proceedings in C.C.No.151 of 2010 pending on the file of the learned Judicial Magistrate No.1, Madurai, is hereby quashed.

6. In the result, both the Criminal Original Petitions are allowed. Consequently, connected miscellaneous petitions are closed.

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Index: Yes/No
Internet: Yes/No
pm



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To

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- 1.The Inspector of Police,
Central Crime Branch,
Madurai City,
Madurai.
- 2.The Judicial Magistrate No.1,
Madurai.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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N.ANAND VENKATESH, J.

pm

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