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Crl.O.P.(MD)No. 4940 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **27.06.2023**

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

Crl.O.P.(MD)No. 4940 of 2023

and

Crl.M.P.(MD)Nos.4349 and 4350 of 2023

Murugesan

... Petitioners/Sole Accused

Vs.

S. Syed Ibrahim

... Respondent /Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to allow this Criminal Original Petition calling for the records in STC No.21 of 2022 on the file of the Honble Judicial Magistrate FTC No.1, Madurai and quash the same.

For Petitioner :Mr. Madasamy T.M

For Respondent : Mr.D.S. Haroon Rasheed

ORDER

This Criminal Original Petition has been filed seeking to quash the charge sheet in S.C.No. 21 of 2022 pending on the file of the learned Judicial Magistrate FTC No.I, Madurai.



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2. The case of the prosecution is that the complainant on the basis of the promise made by the accused, deposited a sum of of Rs.1 Lakh in the month of January, 2021. Against the promise that was made by the accused, money was not earning any profit, in July, 2021, he approached the accused demanding the money back. The accused issued a cheque bearing No.000084 drawn on Kotak Mahendra Bank, Trichirappalli Branch, on 30.08.2021, for a sum of Rs.1,14,000/-. Based upon the above said cheque, he presented the same for payment on 01.09.2021 before his Banker. It was returned as 'funds insufficient' on 02.09.2021. Statutory notice was issued to the accused and after completing the formalities, he filed a private complaint under Section 200 Cr.P.C., to punish the accused for having committed offence punishable under Section 138 of Negotiable Instruments Act.

3. Seeking quashment of the same this Criminal Original Petition has been filed by the petitioner on very many grounds. But at the time of hearing, the learned counsel for the petitioner would submit that there are several creditors and he is settling the dues to all of them. Only to purchase time, this petition has been filed.



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4. When the matter was taken up for hearing on 27.06.2023, the learned counsel for the respondent is also submitted that the entire due under the subject matter has been settled. On that account, he would submit that he has no objection to quash the proceedings.

5. In view of the above said compromise that has been reached between the parties, eventhough no compromise memo has been filed recording the submissions made by the learned counsel for the respondent on record, the proceedings in S.T.C.No.21 of 2022 before the learned Judicial Magistrate No.I, (Fast Track Court), Madurai is quashed and this Criminal Original Petition is allowed. Consequently, connected miscellaneous petitions stand closed.

27.06.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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G.ILANGO VAN,J

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To

- 1.The Judicial Magistrate FTC No.1, Madurai.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Order made in

CrI.O.P.(MD)No. 4940 of 2023

Dated: 27.06.2023