



Crl.O.P.No.15009 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:24.06.2024

Coram:

THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN

Criminal Original Petition No.15009 of 2021

and

Crl.M.P.Nos.8189 & 8190 of 2021

T.Velsankar

.. Petitioner

/versus/

T.S.Dhakshinamurthy

.. Respondent

Criminal Original Petition has been filed under Section 482 of Cr.P.C., to call for the records relating to complaint in C.C.No.4388 of 2020 on the file of the learned Chief Metropolitan Magistrate Court, Egmore, Chennai at (Fast Track Court No.II, Allikulam, Chennai) as against the above petitioner/accused and quash the same.

For Petitioner :M/s Ka.Raamakrishinan

For Respondent :Mr.V.Kishore



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ORDER

The complaint for cheque dishonour is pending before the Chief Metropolitan Magistrate Court, Egmore, Chennai at (Fast Track Court No.II, Allikulam, Chennai) for the past four years. The petitioner herein, who is the accused in this case, had filed this petition to quash the complaint and got interim order, but did not serve notice to the respondent, inspite of direction by this Court to serve notice. He was quietly enjoying the interim order and protracting the proceedings.

2. When the matter came up for consideration, the petitioner did not serve notice to the respondent. Therefore, this Court found that notice was not served to the respondent, after obtaining interim stay and the petitioner been enjoying the interim stay without serving notice on the respondent. Therefore, this Criminal Original Petition was dismissed for default on 09.10.2023.



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3. Thereafter, the petitioner, without serving notice to the respondent, filed a miscellaneous petition in Crl.M.P.No.1915 of 2024 in for restoration of the petition in Crl.O.P.No.15009 of 2021, which was earlier dismissed for default.

4. This Court allowed the restoration petition vide order dated 12.02.2024. Thereafter, the matter been listed before this Court on 01.03.2024 and on that day, fresh notice was ordered with a direction to take private notice.

5. Today when the matter is taken up for consideration on the letter given by the learned counsel appearing for the respondent, Mr.V.Kishore, Enrol.No.6130 of 2022, the learned counsel appearing for the respondent represented that the learned counsel appearing for the petitioner sent notice but not a copy of the petition, inspite of his request.

6. The learned counsel for the petitioner appeared through



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videoconferencing and submitted that notice was served and that is sufficient. It is improper to say that private notice without connected papers along with the petition is not completed service. More so, when the petition was initially dismissed for default for not servicing the notice on the respondent, the learned counsel appearing for the petitioner should have been vigilant. While serving the notice, he should also served the copy of the documents. Since he has not done so, this Court is of the view that the matter should not be pending for any further on default of the petitioner. Hence, this Criminal Original Petition is dismissed for default. Consequently, connected Miscellaneous Petitions are closed.

24.06.2024

Index:yes/no

Speaking order:yes/no

Neutral citation:yes/no

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To:

Chief Metropolitan Magistrate Court, Egmore, Chennai at (Fast Track Court No.II, Allikulam, Chennai)



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