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Crl.O.P.No.19960 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.19960 of 2023

And

Crl.M.P.Nos.13553 and 13554 of 2023

Heerachand Surana

... Petitioner

Vs.

R.Latha

... Respondent

Prayer:

Petition filed under Section 482 of Cr.P.C., seeking to call for the records in C.C.No.56 of 2020 on the file of the learned District Munsif cum Judicial Magistrate, Vikravandi and quash the same.

For Petitioner : M/s.V.S.Senthilkumar

For Respondent : No Appearance

O R D E R

This petition has been filed to quash the proceedings in C.C.No.56 of 2020 on the file of the learned District Munsif cum Judicial Magistrate, Vikravandi.

2.The respondent/ complainant filed a private complaint against



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the petitioner for offence under Section Section 138 of the Negotiable Instruments Act. The cheque was issued for a sum of Rs.50,000/- towards the liability based on an agreement for construction. When this cheque was deposited, it was dishonoured. Thereafter the statutory notice was served and the complaint came to be filed before the Court below.

3.Heard the learned counsel for the petitioner. The name of the respondent has been printed in the cause list and there is no representation either in person or through counsel.

4.It is seen from records that the petitioner had settled the entire amount in favour of the respondent to the tune of Rs.75,000/- on 25.10.2018 through NEFT Bank transfer. Subsequent to the settlement of this amount, the respondent/ complainant stopped attending the proceedings. The same is apparent from the daily orders that have been placed before this Court from the year 2018 to 29.12.2023. Court has also issued notice to the complainant and inspite of the same, the complainant is not prosecuting the case.

5.It is clear from the above that since the entire amount have



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been settled in favour of the respondent/ complainant, the respondent is not interested in prosecuting the case. Even in this criminal original petition, the respondent has not chosen to contest the case. Therefore, the continuation of the proceedings before the Court below will result in abuse of process of Court.

6.In the result, the proceedings in C.C.No.56 of 2020 on the file of the learned District Munsif cum Judicial Magistrate, Vikravandi, is hereby quashed and this criminal original petition stands allowed. Consequently, the connected miscellaneous petitions are closed.

31.01.2024

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Index: Yes/ No
Speaking Order: Yes/ No
NCC: Yes/ No

To

- 1.The District Munsif cum Judicial Magistrate,
Vikravandi.
- 2.The Public Prosecutor,
High Court of Madras,
Chennai 600 104.



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