



CrI.O.P.No.21690 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.03.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P.No.21690 of 2023

and

CrI.M.P.No.15021 of 2023

C.Viji,
W/o.T.Arun Kumar,
Represented by her Power agent,
Mr.T.Arun Kumar

... Petitioner

Vs.

J.Raja,
Proprietor,
Sri Ram Roadways,
Flat No.S-5, 2nd Floor,
D.No.17/18,
Agathiyar Nagar 1st Street,
Nerkundram,
Chennai – 600 107

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure praying to call for records and to set aside the order dated 07.08.2023 passed in CrI.M.P.No.33495 of 2023 in



CrI.O.P.No.21690 of 2023

C.C.No.3566 of 2020 pending on the file of the Metropolitan Magistrate Court, Fast Track Court – II, Egmore at Allikulam.

For Petitioner : M/s.R.Amardeep

For Respondent : M/s.B.Jayavel

ORDER

This petition has been filed challenging the order passed by the Court below in CrI.M.P.No.33495 of 2023 in C.C.No.3566 of 2020, dated 07.08.2023.

2. When the matter came up for hearing on 20.02.2024, this Court passed the following order :

“ It is seen from records that already the respondent filed an undertaking affidavit before the Court below by undertaking that he will pay a sum of Rs.2,65,000/- in full quits. He has further stated in the undertaking affidavit that if the full amount is not paid within the time stipulated, the entire cheque amount will be paid to the petitioner/complainant.

2. When the matter came up for hearing today, this Court had put a pointed question to the learned counsel for the petitioner/complainant as to whether the petitioner is willing to receive the sum of Rs.2,65,000/- and close this case. The learned counsel submitted that if the respondent is



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willing to pay this amount within the time stipulated, the matter can be compounded. The learned counsel for the respondent seeks for sometime to take instructions in this regard.

3. Post this case under the caption for passing further orders on 26.02.2024 at 2.15 pm.”

3. The matter was, thereafter, listed for hearing on 26.02.2024 and the following order was passed on that day :

“ Pursuant to the earlier order passed on 20.02.2024, the matter was posted for hearing today.

2. The learned counsel for the respondent submitted that the respondent will be able to pay a sum of Rs.2,65,000/- within a period of ninety days. This stand taken by the respondent is totally unacceptable. When the earlier undertaking affidavit was filed before the Court below, the respondent had specifically undertaken that he will pay a sum of Rs.2,65,000/- on or before 14.02.2023 and if he is not able to pay the said amount within the time agreed, he will pay the entire cheque amount of Rs.3,67,000/- on or before 08.03.2023. Both these undertakings have now gone to the winds. Now the respondent is asking for ninety days time even to pay a sum of Rs.2,65,000/-. This offer made by the respondent is totally unacceptable. Just because the petitioner / complainant is desperate to get back the amount, the respondent cannot take advantage of the situation and disregard the earlier undertaking affidavit given before the Court below.

3. In view of the above, there shall be a direction to the respondent to pay a sum of



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Rs.2,65,000/- to the petitioner within a period of thirty days from today. If the respondent does not comply with this condition, this Court will pass suitable orders during the next date of hearing.

4. Post this case under the same caption on 26.03.2024.”

4. When the case was taken up for hearing today, the learned counsel for the respondent submitted that a sum of Rs.2,65,000/- had been paid to the petitioner. This fact was also confirmed by the learned counsel for the petitioner. In view of the same, the offence can be compounded in exercise of jurisdiction under Section 147 of Negotiable Instrument Act.

5. In the result, the proceedings in C.C.No.3566 of 2020 on the file of the Metropolitan Magistrate Court, Fast Track Court – II, Egmore at Allikulam is hereby quashed. Accordingly, this Criminal Original Petition stands allowed. Consequently, connected Criminal Miscellaneous Petition is closed.

26.03.2024

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Speaking Order/Non-speaking Order



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Index :Yes/No

Neutral citation: Yes/No

N.ANAND VENKATESH, J.

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To

The Metropolitan Magistrate Court,
Fast Track Court – II,
Egmore at Allikulam.

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and

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