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CrI.O.P.No.7071 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.03.2026

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CrI.O.P.No.7071 of 2023 and
CrI.MP.No.4429 of 2023

T.Francis Nelson

... Petitioner

Vs.

N.Sivakumar Rajaprabhu

... Respondent

Prayer: Criminal Original petition filed under Section 482 of Cr.P.C. praying to call for all the records in C.C.No.600 of 2016 on the file of Judicial Magistrate Court, at Alandur, Chennai and quash the same.

For Petitioner : Ms.V.Sandhya
for Mr.M.Vijay Anand

For Respondent : No appearance

ORDER

This criminal original petition has been filed to quash the proceedings in C.C.No.600 of 2016 on the file of Judicial Magistrate Court, at Alandur, Chennai.

2. The petitioner is the accused in the complaint lodged by the



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respondent for the offence punishable under Section 138 of NI Act on the allegation that while the accused was in need of money for business purpose, he approached the respondent for loan. Also he availed loan to the tune of Rs.17,00,000/- by way of three payments. Thereafter, he assured to repay the said amount with interest at the rate of 12% p.a. He gave two cheques for a sum of Rs.15,00,000/- and Rs.2,00,000/- respectively. Both the cheques were presented for collection. However, both were returned dishonoured for the reason 'funds insufficient'. After issuance of statutory notice, the respondent initiated proceedings under Section 138 of NI Act and the same was taken cognizance by the trial court. While pending the complaint, matter was referred before the Lok Adalat. Before the Lok Adalat, both the petitioner and the respondent entered into memorandum of compromise and settlement dated 07.05.2021. As per the compromise and settlement, on payment of Rs.11,00,000/- by the accused, the complaint will be withdrawn, failing which the respondent can proceed with the proceedings under Section 138 of NI Act as against the accused in accordance with law. Even according to the petitioner, he had paid only a sum of Rs.9,75,000/- so far and he failed to pay the remaining amount. Therefore, the complaint is still pending and the trial court has proceeded with the trial. Hence, on this ground, this court is not inclined to quash the entire proceedings.



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3. Accordingly, this criminal original petition is dismissed. The trial court is directed to proceed with the trial and complete the same within a period of three months from the date of receipt of this order. It is made clear that while pending trial, if the petitioner pays the remaining amount of Rs.1,25,000/-, the trial court is directed to dismiss the complaint as per the memorandum of compromise and settlement dated 07.05.2021. Consequently, connected miscellaneous petition is closed.

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Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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G.K.ILANTHIRAIYAN, J.

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To

Judicial Magistrate Court, at Alandur, Chennai

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