

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.11.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.28672 of 2015

1.Mrs.S.Bhuvaneswari
2.Mr.R.Srinivasan

... Petitioners

Vs

Mrs.A.Parameswari

... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records in C.C.No.3048 of 2009 on the file of the learned Fast Track Court IV Metropolitan Magistrate, George Town, Chennai-600 001 and quash the same as not maintainable.

For Petitioners : Mr.N.A.Kareem

For respondent : Mr.C.Emalios,
Addl.Public Prosecutor,
for R.1

O R D E R

The present criminal original petition has been filed praying to call for the records in C.C.No.3048 of 2009 on the file of the Fast Track Court-IV (Metropolitan Magistrate), George Town, Chennai and to quash the same.

2.The respondent herein has preferred the private complaint against the petitioners herein for the alleged offence punishable under Sections under Section 138 Negotiable Instruments Act, before the Fast Track Court-IV (Metropolitan Magistrate), George Town, Chennai. In the complaint, it has been stated by the respondent/complainant that the petitioners/accused jointly borrowed a sum of Rs.3,00,000/- as loan from the respondent/complainant. The petitioners issued a cheque bearing No.512920, dated 11.02.2009, for a sum of Rs.3,00,000/- drawn on the Lakshmi Vilas Bank Limited, No.323 Arcot Road, Kodambakkam, Chennai, in favour of the complainant, towards the said loan amount. The said cheque was presented by the respondent on 11.02.2009 in Indian Overseas Bank, Royapuram Branch, Chennai; but, the same was returned on 12.02.2009 with an endorsement "Account closed". Therefore, the respondent

issued legal notice on 19.02.2009. The petitioners accused received the said notice on 25.02.2009; but, the petitioners neither replied nor settled the amount payable to the respondent. Hence, the respondent has filed a private complaint and the same was taken on file in C.C.No.3048 of 2009 on the file of the Fast Track Court-IV (Metropolitan Magistrate), George Town, Chennai.

3.Now, the petitioners have come forward with the present petition before this Court seeking to quash the said criminal proceedings.

4.Heard the learned counsel for the petitioners as well as the learned counsel for the respondent and perused the materials available on record.

5.It is contended by the learned counsel for the petitioners that the eight number of blank cheques drawn on the Lakshmi Vilas Bank were issued for the security of the principle amount, in the year 2002. The above said blank cheques have been misused by the plaintiff, as though the said cheques were issued to her in the year 2009 and the cheques were presented only after a lapse of seven years. The report of the Forensic Lab has been clearly indicated that except the signatures, other matters scribed in the cheque, very much differ and it contradicts complainant's statement that all the matters were written by the accused.

6.But, in my considered opinion, the submissions made by the learned counsel appearing for the petitioners cannot serve as ground to quash the criminal proceedings. The learned counsel appearing for the petitioners himself has stated that trial has already commenced. Hence, at this juncture, I am not inclined to entertain this petition and this petition is liable to be dismissed.

7.Accordingly, this criminal original petition is dismissed. However, the Trial Court is directed to dispose of the case in C.C.No.3048 of 2009 as early as possible, preferably within a period of 6months from the date of receipt of a copy of this order.

Sd/-
Assistant Registrar(CS-II)

True Copy

Sub Assistant Registrar

To

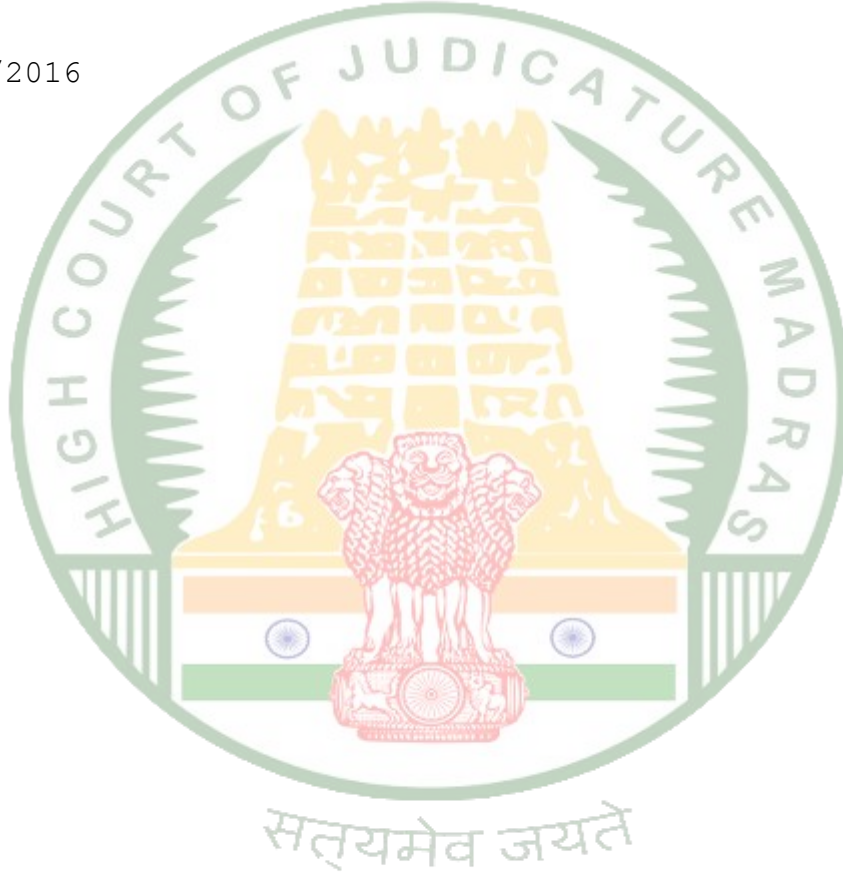
1.The Fast Track Court,
IV Metropolitan Magistrate,
George Town, Chennai

2.-Do- Thro The Chief Metropolitan Magistrate,
Egmore, Chennai-8.

+lcc to Mr.N.A.Kareem, Advocate Sr.64675

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svi[co]
srg 05/01/2016



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