

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :27.11.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Crl.O.P.No.28676 of 2015

Mrs.Mallika

...Petitioner/2nd accused

Vs

1.A.Sampath Kumar

...1st respondent/complainant

2.A.Palanisamy

...2nd respondent/1st accused

Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records in S.T.C.No.507 of 2015 pending on the file of the Judicial Magistrate Court No.I, Pollachi and quash the same.

For Petitioner :Mr.J.Karthikeyan

O R D E R

The present criminal original petition has been filed praying to call for the records in S.T.C.No.507 of 2015 pending on the file of the learned Judicial Magistrate No.I, Pollachi and quash the same. The petitioner herein, who is the wife of the 2nd respondent/A1, has been arrayed as 2nd accused, in the said case.

2.The 1st respondent herein has lodged the complaint as against the petitioner herein/A2 and the 2nd respondent/A1, stating that on 22.02.2015, the petitioner herein/A2, along with the 2nd respondent/A1, received a sum of Rs.5,00,000/- as loan from the first respondent/complainant. In order to repay the said loan amount, they have issued a cheque bearing No.548163, dated 23.04.2015, to the 1st respondent. When the said cheque was presented by the 1st respondent on the same day, in his banker viz., Dhanalakshmi Bank, Pollachi Branch, it was returned with an endorsement "insufficient fund". Hence, a statutory notice was issued by the 1st respondent to the petitioner and the 2nd respondent and the same were received by them. But, they neither repaid the amount nor sent any reply. Hence, the first respondent lodged the complaint as against the petitioner and the 2nd respondent and the same has been taken on file in

S.T.C.No.507 of 2015 on the file of the learned Judicial Magisterial No.I, Pollachi.

3.Now, the petitioner/A2 has come forward with the present petition seeking to quash the criminal proceedings.

4.The learned counsel appearing for the petitioner submitted that the 2nd respondent, who is the husband of the petitioner, threatened her to sign all the joint account and also some blank cheque slips. By using the same, the 2nd respondent borrowed the above said amount from the 1st respondent. Thus, it the contention of the learned counsel for the petitioner that the petitioner is no way connected with this case. Hence, he sought for quashing the criminal proceedings.

5.Heard both sides and perused the materials available on record.

6.Considering the facts and circumstances of the case, I am of the opinion that the grounds raised by the petitioner are matters of evidence and the same cannot be considered at this stage. Hence, I am not inclined to entertain the prayer sought for by the petitioner and the petition is liable to be dismissed. Accordingly, this petition is dismissed. M.P.No.1 of 2015 is closed.

Sd/-
Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

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To

1.The Judicial Magistrate No.I,
Pollachi.

2.-do-Thro The Chief Judicial Magistrate, Coimbatore.

3.The Public Prosecutor,
High Court, Chennai.

+1 cc to Mr.J.Karthikeyan, Advocate, sr.65072

CrI.O.P.No.28676 of 2015

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