

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 24.03.2015

CORAM

THE HONOURABLE MR.JUSTICE R.S.RAMANATHAN

Crl.O.P.No.7203 of 2015
and
M.P.No.1 and 2 of 2015

Rajewari Devadoss

.. Petitioner

vs.

K.Thavamani

... Respondent

Criminal Original Petition filed under section 482 of Criminal Procedure Code praying to call for the records in STC No.1877 of 2014 pending on the file of Judicial Magistrate Court, Conoor and quash the same.

For Petitioner : Mr.C.kulanthaivel

For Respondent : Mr.M.Maharaja
Addl. Public Prosecutor.

ORDER

This petition is filed to quash the proceedings in STC No.1877 of 2014 pending on the file of learned Judicial Magistrate, Conoor.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor representing the respondent-Police.

3. The petitioner is the accused and the respondent filed the above complaint under Section 138 of the Negotiable Instruments Act. It is submitted by the learned counsel for the petitioner that in the complaint in paragraph No.4, it has been stated that Rs.20 lakhs was paid to the accused by the complainant and except the said sentence, no proof has been adduced by the complainant/respondent for payment of consideration and in the reply given to the statutory notice, the petitioner has specifically stated that she has not received any amount and she was not liable to make any payment. The learned counsel therefore, submitted that in the absence of any proof for payment of consideration, the complaint is not maintainable.

4. I am unable to accept the contention of the learned counsel for the petitioner. Whether there was any consideration for the issuance of cheque or not has to be gone into trial and at this stage, this Court cannot go into that detail, as necessary averments are made in the complaint. Further, statutory notice was issued. There is no material produced by the petitioner to quash the complaint. Hence, this Criminal Original petition is dismissed. Consequently, connected miscellaneous petition are closed.

vsm

-s/d-

Assistant Registrar (CO)

Dt:6/4/2015

True Copy

Sub-Assistant Registrar

To

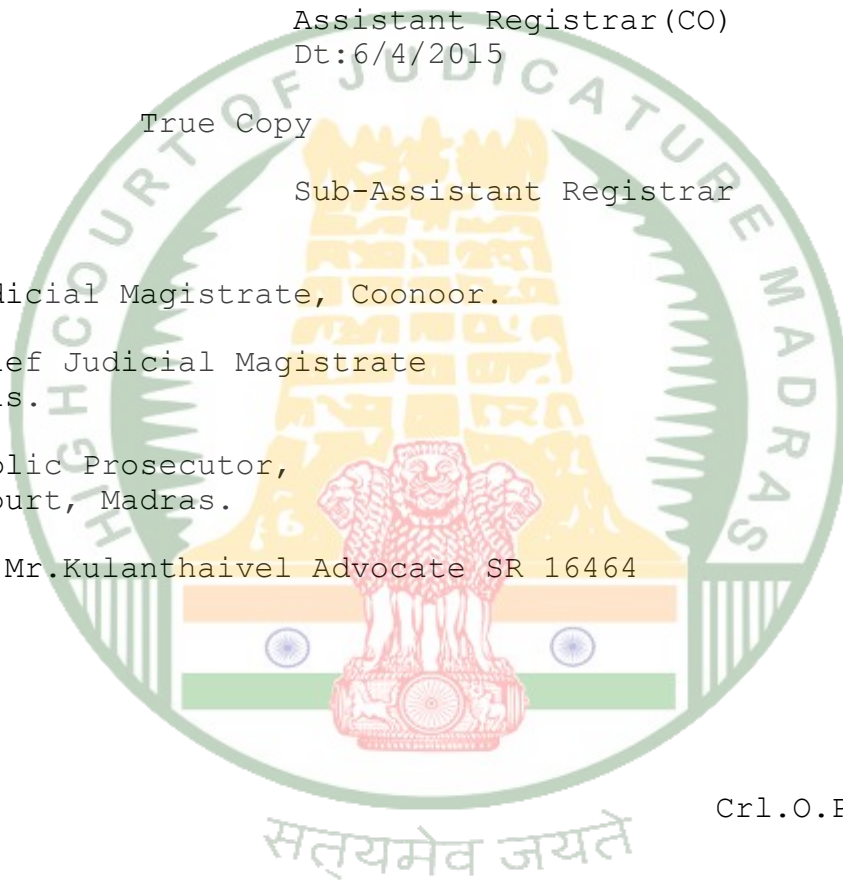
1. The Judicial Magistrate, Coonoor.

2. The Chief Judicial Magistrate
Nilgiris.

3. The Public Prosecutor,
High Court, Madras.

+ 1 cc to Mr.Kulanthaivel Advocate SR 16464

rv(co)
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CrI.O.P.No.7203 of 2015

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