



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
( Criminal Jurisdiction )

Wednesday, the Eleventh day of March Two Thousand Fifteen

PRESENT

THE HON'BLE MR.JUSTICE M.SATHYANARAYANAN

WEB COPY

CRL OP(MD) No.18930 of 2014

IN

CRL.A(MD)NO.SR32472 OF 2014

G.BANU

... PETITIONER/APPELLANT/COMPLAINANT

Vs

P.RAMASAMY

... RESPONDENT/RESPONDENT/ACCUSED

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to grant Special Leave to appeal against the Judgment of Acquittal dated 10.07.2014 passed by the learned Judicial Magistrate, Fast Track Court, Karaikudi in C.C.No.192 of 2012.

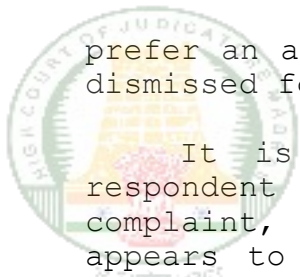
Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.S.DEENADHAYALAN, Advocate for the petitioner the court made the following order:-

The petitioner herein is the private complainant in C.C.No.192 of 2012, on the file of the Court of Judicial Magistrate, Fast Track Court, Karaikudi and the said complaint was filed to prosecute the respondent herein under Section 138 r/w Section 142 of the Negotiable Instruments Act, 1881. The said complaint, after full-fledged trial, came to be dismissed on 10.07.2014 and the respondent/accused was acquitted under Section 255(1) of the Code of Criminal Procedure.

2. The present Criminal Original Petition has been filed seeking Special Leave to prefer an appeal against the acquittal of the respondent/accused.

3. The learned counsel for the petitioner/private complainant has drawn the attention of this Court to the impugned order and would contend that the petitioner is none other than the daughter-in-law of the respondent and her husband is employed in abroad and the respondent herein has executed a registered gift settlement deed, dated 20.01.2004, in his favour and he has also received a sum of Rs.1,60,000/- by way of advance, which is due and payable to her husband and in this regard, he has issued a cheque, dated 01.07.2004, for a sum of Rs.1,60,000/- drawn on ICICI Bank, Amaravathiputhur Branch, which, on presentation, got dishonoured. In this regard, EX-P3, statutory notice, was issued to the respondent/accused and in spite of the same, the respondent/accused did not repay the amount payable to the her husband. However, the Trial Court, on conjecture and surmises, has dismissed the complaint and acquitted the respondent/accused and prays for interference.

<https://hcservices.courts.gov.in/hcservices>, considering the above submissions made by the learned counsel for the petitioner/private complainant and upon perusal of the impugned order, is of the view that the petition seeking Special Leave to



prefer an appeal against the acquittal of the respondent/accused is to be dismissed for the following reasons:-

It is the case of the petitioner/private complainant that the respondent is none other than her father-in-law. However, in the complaint, she would state that he is the father of her husband. There appears to be a strained relationship between them. It is the further case of the petitioner/private complainant that a sum of Rs.1,60,000/-, due and payable to her husband, was received by her father-in-law and the cheque in question was issued only for discharge of the said amount. The Trial Court has rightly observed that the petitioner does not have any power of attorney to act on behalf of her husband and admittedly, the amount alleged is due and payable to her husband. The Trial Court has correctly observed that in the absence of any authorization or power of attorney, the petitioner/private complainant is not entitled to file such a private complaint. The petitioner/private complainant, even as per her own admission, would state that the amount, due and payable under the impugned cheque, is the amount payable to her husband and therefore, the said amount, insofar as she is concerned, cannot be said to be legally enforceable one. This Court finds no error or infirmity in the reasons assigned by the Trial Court for dismissal of the complaint and acquitting the respondent/accused under Section 255(1) of the Code of Criminal Procedure.

5. In the result, the present Criminal Original Petition is dismissed and consequently, CRL.A[MD][SR].No.32472 of 2014 is rejected.

sd/-  
11/03/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

THE JUDICIAL MAGISTRATE, FAST TRACK COURT, KARAIKUDI.

SR : 16.03.2015 : 2p/2c

ORDER IN  
CRL OP(MD) No.18930 of 2014 IN  
CRL.A(MD).NO.SR.32472 of 2014  
Date :11/03/2015