

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.OP.No.22965 of 2016

Dhana Fashions Private Limited,  
Rep. by its Director,  
Dhanalakshmi,  
No.18, 1<sup>st</sup> Floor, Soothupakkam Road,  
Redhills, Chennai-600 052. ...Petitioner

Vs

Agustin Selvaraj @ Mohan,  
...Respondent

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to set aside the order passed by the Judicial Magistrate-II, Ponneri dated 16.09.2016 in CMP.2850/2016 in CC.34/2011.

For Petitioner : Mr.V.Manimaran

ORDER

This Criminal Original Petition has been filed seeking a direction to set aside the order dated 16.09.2016 passed by the Judicial Magistrate-II, Ponneri in CMP No.2850 of 2016 in C.C.34 of 2011.

2. There was no representation for the petitioner on 07.10.2016, 21.10.2016 and 24.10.2016. Therefore, the matter was directed to be posted today under the caption "for dismissal". Today also, there is no representation for the petitioner. Hence, this Court perused the records and passes the following order:-

3. For the sake of convenience, the parties are referred to by their name.

4. Agustin Selvaraj @ Mohan filed C.C.No.34 of 2011 for the offence u/s 138 of the Negotiable Instruments Act, 1882, before the Judicial Magistrate No.II, Ponneri against Dhana Fashions Private Limited represented by Dhanalakshmi.

5. Trial in the case commenced and the complainant was examined as PW-1 and several documents including the impugned cheque were marked as Exs.P1 and P2. While so, Dhanalakshmi filed CMP No.2850 of 2016 in C.C.No.34 of 2011 alleging that she had not signed the impugned cheques Exs.P1 and P2 as she was suffering from bipolar disorder from January 2011 and she was admitted to SRM Medical College Hospital on 24.04.2011 and was discharged on 14.06.2011. Therefore, she prayed for sending the impugned cheques Exs.P1 and P2 to Forensic Department for examination of the signature found therein.

6. This petition was resisted by Agustin Selvaraj, contending that Dhanalakshmi had never disputed her signature in Exs.P1 and P2 and that the matter was sent to Lok Adalat twice, where the parties did not arrive at a settlement. Only to drag on the proceedings, Dhanalakshmi has filed the present petition.

7. The Trial Court considered the rival submissions and dismissed the CMP No.2850 of 2016 on 16.09.2016, challenging which, Dhana Fashions Private Limited rep. by Dhanalakshmi is before this Court.

8. As noted by the Trial Court, Dhanalakshmi has never disputed her signature in Exs.P1 and P2. In fact, she had sent a reply notice (Ex.P5) to the statutory notice issued by the Agustin Selvaraj, in which also she had not taken a stand that she had not signed in Exs.P1 and P2. That apart, she had not even filed any material worth the salt to show that she was suffering from the abovesaid disability. Further admittedly, the matter was referred to the Lok Adalat twice and at that stage also, Dhanalakshmi had not taken the aforesaid stand.

9. In view of the foregoing, this Court is of the opinion that this petition is devoid of merits and is accordingly dismissed.

Sd/-

Assistant Registrar(CS-II)

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Sub Assistant Registrar

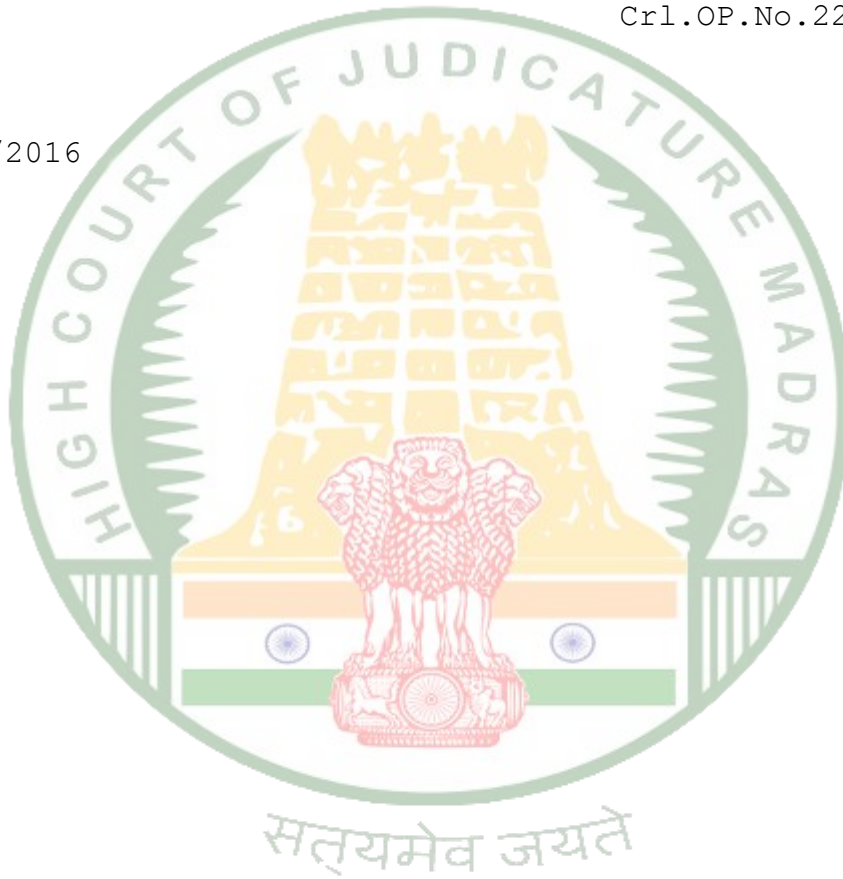
To

1.The Judicial Magistrate II  
Ponneri.

2.-Do- Thro The Chief Judicial Magistrate,  
Tiruvallur.

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srg 08/12/2016



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