

In the High Court of Judicature at Madras

Dated : 27.11.2017

Coram :

The Honourable Mr.Justice M.S.RAMESH

Crl.O.P.No.4346 of 2017

and

Crl.M.P.Nos.3233 and 7298 of 2017

G.Revathi

... Petitioner

Vs.

D.Karthick

... Respondent

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records pertaining to the case in C.C.No.5 of 2015 on the file of the Fast Track Court III, Saidapet, Chennai and to quash the same.

For Petitioner : Mr.B.Singaravelu

For Respondent : Mr.L.Sakthivel

ORDER

This petition has been filed by the petitioner challenging the proceedings in C.C.No.5 of 2015, pending on the file of the Fast Track Court- III, Saidapet, Chennai and to quash the same.

2.Heard Mr.B.Singaravelu, learned counsel for the petitioner and Mr.L.Sakthivel, learned counsel for the respondent.

3.Relying on various facts, several grounds have been raised by the learned counsel for the petitioner in the present petition, seeking to quash the proceedings in C.C.No.5 of 2015 on the file of the learned Judge, Fast Track Court-III, Saidapet, Chennai. I do not intend to go into these grounds in view of the fact that the same have a bearing on the proceedings pending before the trial court.

4.One specific ground raised by the learned counsel for the petitioner is that two notices of dishonour were given on 07.10.2013 and 10.10.2013 by the respondent herein. In the said notices, the purpose for which the liability is alleged by the

respondent/complainant differs from each other. Admittedly, both the notices have been sent within the statutory period from the date of dishonour of the cheque. The date of borrowal as well as the amount does not differ in both the notices and cheque numbers were also one and the same. As such, I am unable to comprehend as to how by sending the second notice with different reason for accepting the liability could be termed as illegal and would be a ground for quashing the proceedings.

5.The other ground raised by the learned counsel for the petitioner is that after the reply notice of dishonour, he has given a criminal complaint against the petitioner on 22.10.2013. This again cannot absolve the liability of the petitioner to prove that there is no pre-existing liability. These are matters which can be elicited at the time of trial and this Court exercising its power under Section 482 of Cr.P.C., may not be justified in exploring into these factual aspects. Hence, I do not find any merits in the case of the petitioner.

6.In the result, the Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

cgi/dp

To.

1. The Fast Track Court -III,
Saidapet, Chennai.

2. The Public Prosecutor,
High Court, Madras.

3. The Section Officer,
Criminal section,
High court Madras.

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KK(CO)

RRK(19/12/2017)