



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.11.2017

CORAM:

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

CRL.O.P. (MD) No.15399 of 2017

and

Crl.M.P. (MD) Nos.10235 and 10236 of 2017

Muthulakshmi : Petitioner / Accused

-Vs-

Kalaimani : Respondent / Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for records relating to STC No.671 of 2016, pending on the file of the learned District Munsif-cum-Judicial Magistrate, Keeranur and to quash the said proceedings as against the petitioner herein.

For Petitioners : Mr.B.Anandan

O R D E R

This petition is filed for quashing the proceedings in STC No.671 of 2016, pending on the file of the learned District Munsif-cum-Judicial Magistrate, Keeranur, Pudukkottai District.

2.The petitioner is the accused in the petition which was filed under Section 138 r/w. 142 of Negotiable Instrument Act. Stating that the petitioner has obtained a loan for a sum of Rs.30,00,000/- and that she had issued a post-dated cheque the complaint was lodged by the respondent. Though the learned counsel for the petitioner raised several factual issues, this Court find that the petition for quash the complaint is not maintainable as the truth or otherwise in the complaint can be considered only at the time of trial. Hence, this Petition is dismissed as devoid of merits. Consequently, Crl.M.P.(MD)No.10235 of 2017 is closed. However, it is open to the petitioner to raise all his objections by way of defence before the Court below.

3.The learned counsel for the petitioner states that the petitioner is a lady and that her appearance may be dispensed with. Considering the fact, this Court find reason to accept the request of the petitioner to dispense with her presence. Hence, the appearance of the petitioner is dispensed with unless or until her



appearance is specifically required by an order of Court and Crl.MP NO.10236 of 2017 is ordered. However, this is subject to the condition that the petitioner shall cooperate for the disposal of the case.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

To

1.The District Munsif-cum-Judicial Magistrate,
Keeranur,
Pudukkottai District.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.B.Anandan Advocate in SR. No. 88269

SRM

JS/JC/SAR.2/4.12.2017/2P-4C

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