



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.09.2017

CORAM :

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL OP (MD) No.15303 of 2016

WEB COPY

S.Sumathi

: Petitioner/Respondent

Vs.

R.Vinayagamoorthis

: Respondent/ Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code, to call for the records and quash the complaint against the petitioner in STC.No.78 of 2016 on the file of the Fast Track Judge-II, Magistrate level, Madurai.

For Petitioner

: Mr.R.Saravanakumar

For Respondent

: Mr.R.Meenakshi Sundaram

O R D E R

This Criminal Original Petition is filed for quashing the complaint against the petitioner in STC.No.78 of 2016 on the file of the Fast Track Judge-II, Magistrate level, Madurai.

2. Heard the learned Counsel appearing for the petitioner and the learned Counsel appearing for the respondent.

3.On the complaint given by the respondent, the case was taken up in STC.No.78 of 2016 on the file of the Fast Track Judge II, Magistrate Level, Madurai.

4.The petitioner who claims to be a Managing Partner of a reputed firm doing building constructions, states that the de-facto complainant is only the Sub-Contractor, who managed to get a cheque in some way and used in the Criminal case.

5.The learned counsel for the petitioner states that the de-facto complainant himself filed a petition to amend the particulars given in the petition with regard to the details of the cheque.

6.On seeing the petition for amendment, it appears that the petitioner has preferred this petition to quash the complaint on the ground that the identity of the cheque stated in the complaint does not tally with the cheque that was originally issued by the petitioner to the accused. The petitioner herself admitted that the cheque referred to in the complaint is the cheque issued by the petitioner.



7.The contention that the details of the cheque is erroneous and that the de-facto complaint cannot maintain the complaint with the wrong identity of the cheque, has no legal force. The petitioner herself admit that the de-facto complaint has clarified the mistake that was crept in regarding the description of the cheque. It is stated that the cheque issued by the petitioner is pertaining to the account in the branch of IDBI at Madurai. Even though in Vadipatti, there is no branch for IDBI Bank. In the complaint, the particulars of the branch is wrongly mentioned. When this fact is already clarified by the petitioner herself and the de-facto complainant has explained that this mistake is purely due to inadvertence.

8.This Court find no merits in the contention of the learned Counsel for the petitioner. Hence this Petition is dismissed.

Sd/-
Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To

+1cc to M/S.R.Meenakshi Sundaram, Advocate SR.No. 76315

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dss/cmr
JM/SKN RSK/SAR 1/04.10.2017/2P/2C