



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 27.10.2017

CORAM:

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

CRL.O.P. (MD) No.1508 of 2011

and

M.P. (MD) Nos.1 and 2 of 2011

Seethalakshmi

... Petitioner/Accused

-Vs-

S.Raja

... Respondent/Complainant

PRAYER: Criminal Original petition filed under Section 482 of Criminal Procedure Code Praying, to call for the records relating to the C.C.No.298 of 2009 on the file of Judicial Magistrate, Aranthangi and quash the same.

For Petitioner : Mr.I.Irulappan
For Respondent : Mr.K.Baala Sundharam

O R D E R

This petition has been filed to quash the case in C.C.No.298 of 2009, on the file of the learned Judicial Magistrate, Aranthangi.

2. The respondent has issued legal notice, dated 12.09.2009 calling upon the petitioner to pay a sum of Rs.8,00,000/-. In the said legal notice, the respondent alleged that on 10.06.2009, the petitioner borrowed a sum of Rs.8,00,000/- from the respondent and to discharge the said loan, she issued a cheque of Union Bank of Pandicherry branch, bearing No.004592 and when the said cheque was presented in Aranthangi ICICI Bank on 14.08.2009, the same was returned on 26.08.2009 with an endorsement stating 'insufficient fund'. After receipt of the said notice, the petitioner sent a reply on 15.09.2009 denying the allegation made in the legal notice, dated 12.09.2009, stating that she neither borrow any amount from the respondent nor issue any cheque in favour of the respondent herein. Thereafter, the respondent herein filed a complaint before the learned Judicial Magistrate, Aranthangi under Section 142 of Negotiable Instruments Act, 1881, read with Section 200 Cr.P.C. The same was taken on file in C.C.No.298 of 2009. Aggrieved by the said complaint, the petitioner filed this petition under Section 482 Cr.P.C. to quash the case in C.C.No.298 of 2009 on the file of Judicial Magistrate, Aranthangi.



3. The learned counsel for the petitioner would submit that in the sworn statement, which was recorded by the learned Judicial Magistrate, Aranthangi, on 06.11.2009, the cheque number, date and amount varies from the averments in the complaint, which would show that the cognizance has been wrongly taken under Section 138 of Negotiable Instruments Act, 1881 and it shows the non-application of mind. Hence, he prayed for quash the above said case.

4. The learned counsel for the respondent/complainant would submit that it is clearly typographical error done by the concerned stenographer and inadvertently one company and director's names were appeared in the sworn statement. But the complaint is against only on the petitioner and except the petitioner herein, there was no company involved in the crime. He further submitted that the inadvertent typographical error can be rectified by filing appropriate application before the concerned Court.

5. Heard the learned counsel on both side and perused the documents available on record.

6. On perusal of the records, it is clear that there is a typographical error and it will not give rights to the petitioner to file a quash petition under Section 482 Cr.P.C., which could be rectified at any point of time by filing appropriate application before the Court concerned and no other grounds available for the petitioner for quashing the complaint. Therefore, I do not find any merits to interfere with the complaint filed by the respondent. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-

Assistant Registrar (CS-II)

/True copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate,
Aranthangi.

2. -Do- Thro' Chief Judicial Magistrate,
Pudukottai.

+ 1 CC TO MR.K.Baala Sundharam, ADVOCATE IN SR No.84210

pjl

<https://hccs.cse.courtsofmadras.gov.in/hccs-services> 11.2017/2P/4C

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