

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 22.11.2018

CORAM
THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Crl.O.P.No.4977 of 2011

Lakshmi Ammal @ Pattu

... Petitioner/Accused

-Vs-

S.Murugan

... Respondent/Complainant

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to call for the records and quash the complaint filed under Sections 138 and 142 of Negotiable Instrument Act 1881, as amended by the Banking Public Financial Institutions and Negotiable Instruments Law Amendment Act, 1988 in C.C.No.150 of 2009 pending on the file of the Court of Judicial Magistrate-II, Tiruvannamalai.

For Petitioner : Mr.T.P.Prabakaran

For Respondent : Mr.Leo Valan

ORDER

This Criminal Original Petition has been filed by the accused in C.C.No 150 of 2009 pending on the file of the learned Judicial Magistrate-II, Tiruvannamalai to quash the proceedings pending before the Court.

2. The complaint in C.C.No.150 of 2009 is for the offence punishable under Section 138 read with Section 142 of the Negotiable Instruments Act instituted at the instance of the respondent. According to the petitioner, she is not having any legally enforceable liability as against the respondent, and as such, the complaint is not maintainable. It is also contended that the cheque has been obtained under threat and coercion, for which, the police complaint is also pending.

3. The learned counsel for the petitioner/accused contended that there is no statutory violation as alleged in the complaint and all the statutory requirements have been complied with.

4. The grounds raised by the petitioner are factual grounds, which are matters for trial. In the absence of any statutory violation, I am not inclined to quash the proceedings. However, the learned counsel for the petitioner had requested for dispensing with the personal appearance of the petitioner taking note the age of the petitioner. According to the learned counsel for the petitioner, the accused is now 88 years old. Considering the age of the petitioner, the personal appearance of the petitioner before the Court below is dispensed with on the

petitioner filing an undertaking affidavit before the concerned trial Court that wherever her presence is required, she will appear before the trial Court. The learned Judicial Magistrate-II, Tiruvannamalai is directed to expedite the trial as early as possible.

5. With the above observations and directions, the Criminal Original Petition is dismissed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

cs

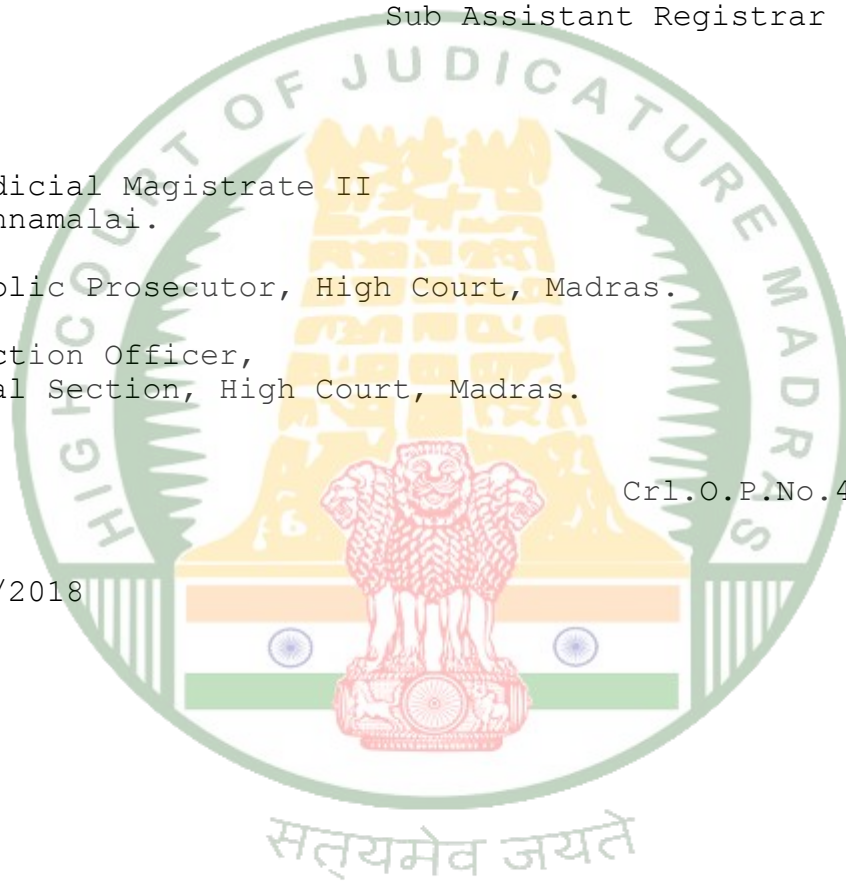
To

1. The Judicial Magistrate II
Tiruvannamalai.
2. The Public Prosecutor, High Court, Madras.
3. The Section Officer,
Criminal Section, High Court, Madras.

JP(CO)

rrs 21/12/2018

CrI.O.P.No.4977 of 2011



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