IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.08.2018

CORAM:

THE HON'BLE MR. JUSTICE P.N. PRAKASH

Crl.O.P. No.20915 of 2018

Dr. P. Sharmeela ... Petitioner

vs.

Dr. N. Shanthi Reddy ... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. seeking to set aside the order passed on 16.03.2018 in Crl.M.P. No.8963 of 2017 in C.C.No.163 of 2014 on the file of the Judicial Magistrate Court No.I, Chengalpet.

For petitioner Mr. E.C. Ramesh

ORDER

This Criminal Original Petition has been preferred seeking to set aside the order dated 16.03.2018 passed in Crl.M.P. No.8963 of 2017 in C.C.No.163 of 2014 on the file of the Judicial Magistrate Court No.I, Chengalpet.

2 For the sake of convenience, the petitioner and the respondent will be referred to as the complainant and the accused respectively.

3 The complainant has launched a prosecution in C.C. No.163 of 2014, which is now pending on the file of the Judicial Magistrate Court No.I, Chengalpet, under Section 138 of the Negotiable Instruments Act, 1881, against the accused, who is none other than her own elder sister. The dispute is with regard to two cheques for Rs.5 lakhs and 10 lakhs.

4 It is the case of the accused that the complainant has no means to advance the said loan to her. Therefore, the accused filed Crl.M.P. No.8963 of 2018 in C.C. No.163 of 2014 under Section 91 Cr.P.C. for a direction to the petitioner to produce her income tax returns from 2008-2013, PAN Card and bank details. The said petition has been allowed by the Trial Court on 16.03.2018, challenging which, the complainant is before this Court.

5 Heard Mr. E.C. Ramesh, learned counsel for the

complainant, who submitted that the complainant and her husband are maintaining accounts and are income tax assessees and therefore, they had the necessary means to advance loan to the accused. He further submitted that the complainant is ready to submit her income tax details and that cannot be seen in isolation and that it should also be seen along with the income tax returns of her husband.

6 It is the grievance of the complainant that the accused has selectively called for only the income tax returns of the complainant, leaving out that of her husband and therefore, the complainant is ready to submit not only her income tax returns, but also, that of her husband for the same period.

7 Under normal circumstances, this Court would have issued notice to the accused in this petition. However, in view of the submission made by the learned counsel for the petitioner, this Court is of the view that it may not be necessary to issue notice to the accused in this petition, in the light of the order this Court proposes to pass.

8 Liberty is given to the complainant to produce not only her income tax returns relating to the period 2008 - 2017, but also, that of her husband, viz., Dr. K.R. Padmanabhan, for the same period.

With the above direction, this Criminal Original Petition stands disposed of.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

cad

To

1 The Judicial Magistrate No.I
Chengalpet

Crl.O.P. No.20915 of 2018

GN(10/09/2018)