

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2018

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.O.P.No.12726 of 2018

and Crl.M.P.No.6881 of 2018

B.Pushpalatha

.. Petitioner

Vs

Jayarani

..Respondent

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records pertaining to the complaint in STC No.371 of 2017 on the file of Fast Track Court, Ambattur, Chennai and quash the same.

For Petitioner : Mr.R.Ganesh

O R D E R

This petition has been filed to call for the records pertaining to the complaint in STC No.371 of 2017 on the file of the Fast Track Court, Ambattur, Chennai and quash the same.

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

3. The complainant has initiated a prosecution in C.C.No.371 of 2017 under Section 138 of the Negotiable Instruments Act, against the accused, which is pending on the file of the Fast Track Court, Ambattur, Chennai, challenging which, the accused is before this Court.

4. Mr.Ganesh, learned counsel for the accused submitted that the complainant has not disclosed the debt either in the complaint or in the proof affidavit.

5. On a reading of paragraph 3 of the complaint, it is seen that the complainant has stated that she was conducting a chit, in which, the accused took part and obtained Rs.1,22,000/-. When such a clear statement is there in paragraph 3, it cannot be stated that the complainant has not

given details about the debt. However, it is always open to the accused to cross-examine the complainant and discharge the burden under Section 139 of the Negotiable Instruments Act. Since there are prima facie materials, this is not a fit case to quash the prosecution.

Hence, this petition stands dismissed with liberty to raise all the points before the trial Court. Consequently, connected miscellaneous petition is closed.

Sd/-  
Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

gms

To

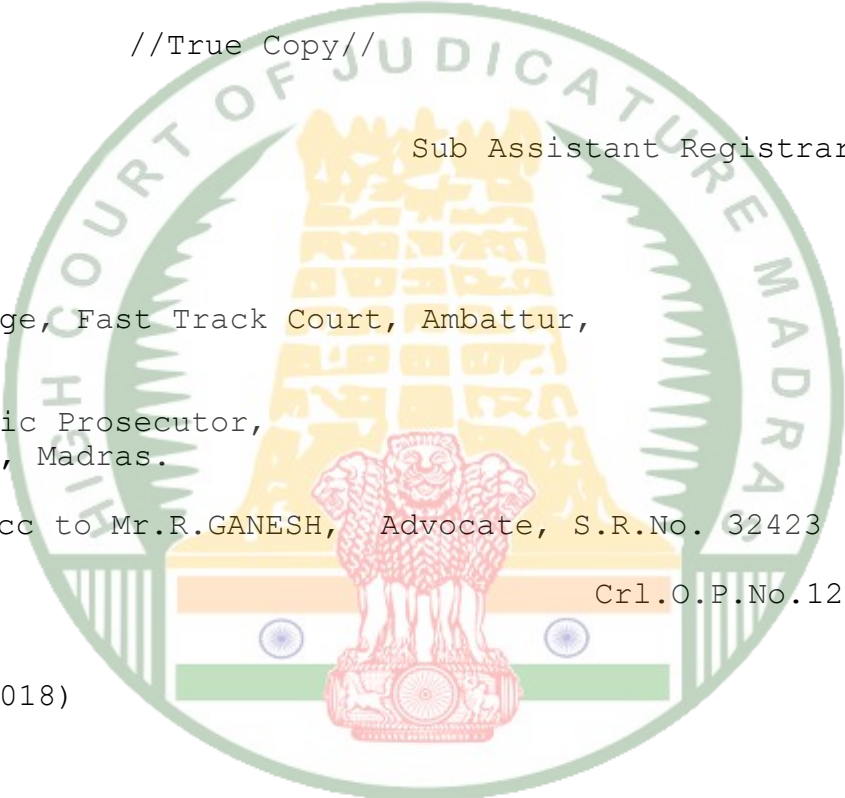
1.The Judge, Fast Track Court, Ambattur,  
Chennai.

2.The Public Prosecutor,  
High Court, Madras.

+1cc to Mr.R.GANESH, Advocate, S.R.No. 32423

Cr1.O.P.No.12726 of 2018

SSI (CO)  
TR(14/05/2018)

The seal of the High Court of Madras is a circular emblem. It features a central yellow temple gopuram (tower) with a red lion capital on top. The gopuram is set against a green background with a white border. The words "HIGH COURT OF JUDICATURE MADRAS" are written in a green arc around the top. At the bottom, the Sanskrit motto "सत्यमेव जयते" (Satyameva Jayate) is written in Devanagari script. The entire seal is overlaid with a large, semi-transparent "WEB COPY" watermark in the center of the page.

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