



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.10.2018

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P.(MD).No.16160 of 2015
and M.P.(MD).Nos.1 & 2 of 2015

Sulochana .. Petitioner/Sole Accused

Vs.

S.Subba .. Respondent/Complainant

PRAYER: This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to complaint filed under section 138 of N.I Act r/w section 200 of Cr.P.C in STC No. 289 of 2015 dated 24.6.2015 on the file of the Judicial Magistrate No.IV, Tirunelveli and quash the same.

For Petitioner : Mr.A.D.Ganeshamoorthi
For Respondents : Mr.H.Arumugam

O R D E R

This petition is filed seeking to call for the records pertaining to complaint filed under section 138 of N.I Act r/w section 200 of Cr.P.C in STC No. 289 of 2015 dated 24.6.2015 on the file of the Judicial Magistrate No.IV, Tirunelveli and quash the same.

2.The learned counsel for the petitioner submitted that the respondent is none other than her own daughter-in-law and the alleged cheques have been stolen by her and presented the same. Therefore, he prayed for quashing the FIR.

3.It is serious to note that son-in-law or mother-in-law are not the factors to consider the quash petition. Further, there is no complaint lodged by the petitioner for stolen cheques by the respondent. Further it is also question of facts and cannot be considered under Section 482 of Cr.P.C. Therefore, this Court is not inclined to entertain this petition. However, considering the age of the petitioner, the personal appearance of the petitioner before the trial Court is dispensed with except the dates of hearing, on which, the learned Judicial Magistrate insisted upon the petitioner to appear before the Court and considering the year of the case, this Court directs the Judicial Magistrate No.IV, Tirunelveli to complete the trial and dispose of the case within a period of six months from the date of receipt of a copy of this



order.

4. Accordingly, this Criminal Original Petition is dismissed with the above direction. Consequently, connected miscellaneous petitions are also dismissed.

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Sd/-
Assistant Registrar (co)

/True Copy/

Sub Assistant Registrar (cs-II)

To

1. The Judicial Magistrate No. IV, Tirunelveli.

2. The Chief Judicial Magistrate, Tirunelveli.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1cc to Mr. A. D. Ganeshamoorthi Advocate in SR.No.92617

+1cc to Mr. H. Arumugam Advocate in SR.No.92109

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TM

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