



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.10.2018

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P(MD) No.13264 of 2016

and

CrI.M.P.(MD) Nos.6209 and 6210 of 2016

Siba ... Petitioner / Accused
vs.

G.Velayutham ...Respondent / Complainant

Prayer: This Criminal Original filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the case in S.T.C No. 536/2016 on the file of the learned Judicial Magistrate No. I Kovilpatti Thoothukudi District and quash the same as illegal.

For Petitioner : Mr.C.Jeganathan
For Respondent : Mr.P.T.Ramesh Raja

ORDER

This criminal original petition has been filed to quash the proceedings in S.T.C No. 536 of 2016 on the file of the learned Judicial Magistrate No. I Kovilpatti, Thoothukudi District.

2.The learned counsel for the petitioner would submit that the petitioner originally borrowed a sum of Rs.70,00,000/- from the company called as Port City Fund Limited. The Manager working in the said company had approached the petitioner and had represented that he will arrange the loan from the said company with a lesser interest amount. Therefore, the petitioner had borrowed a sum of Rs.70,00,000/- from the said company. When the amount was borrowed, the petitioner had also given a property as security and had also issued eight blank cheques as security.

3.According to the learned counsel for the petitioner one of the cheques has been misused and the present complaint has been filed before the Court below. The learned counsel for the petitioner would further submit that there is a suit that is pending in O.S.No.32 of 2016 filed against the Managing Director of Port City Private Fund Limited. Therefore, the learned counsel would submit that there are absolutely no merit in the complaint that has been filed before the Court below.

<https://hcservices.ecourts.gov.in/hcservices/>

4.The learned counsel for the respondent would submit that the



issues that have been raised by the petitioner are all factual in nature and the same can be considered only in the course of trial by the Court below.

5. In the considered view of this Court, the issues raised by the petitioner are all factual and the same cannot be considered by this Court while exercising of its jurisdiction under Section 482 Cr.P.C., It is left open to the petitioner to raise all the grounds before the Court below and the Court below shall consider the same on its own merits and in accordance with law.

6. In view of the above, this criminal original petition is dismissed with a direction to the Court below to dispose of the proceedings in S.T.C No. 536 of 2016 within a period of three months from the date of receipt of a copy of this order. The presence of the petitioner shall be dispensed with before the Court below and the petitioner shall be represented by a counsel and she shall be present before the Court below only at the time of questioning under Section 313 Cr.P.C., and at the time of passing the judgment. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar()

/True Copy/

Sub Assistant Registrar(CS-III)

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To

The Judicial Magistrate, No.I,
Kovilpatti,
Thoothukudi District.

Copy to

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

+1cc to Mr.C.Jeganathan, Advocate in SR No.90088

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NM/RP/SAR III/13.11.18/2P/3C