



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.10.2018

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P.(MD).No.2228 of 2017

and

Crl.M.P.(MD).Nos.1758 & 1759 of 2017

Hemalatha ... Petitioner / Accused

Vs.

Chandru @ Chandrasekaran ...Respondent / Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to call for the records and quash the case in S.T.C.No.826 of 2016, on the file of the learned Judicial Magistrate No.I, (Fast Track Court No.I), Madurai.

For Petitioner : Mr.R.Manoharan

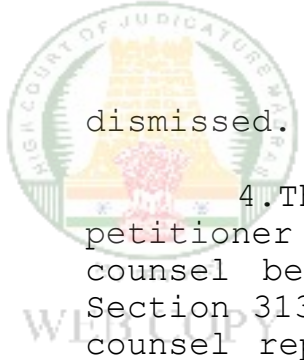
For Respondent : Mr.M.Murali

O R D E R

This Criminal Original Petition has been filed seeking to quash the proceedings in S.T.C.No.826 of 2016, pending on the file of the learned Judicial Magistrate No.I, (Fast Track Court No.I), Madurai.

2.The petitioner is the accused facing the criminal complaint for an offence under Section 138 of the Negotiable Instrument Act. The ground on which this petition has been filed is that the cheque was given as a security and the same has been misused by the respondent. Further ground that has been raised is that the entire amount has been repaid by the petitioner's husband to the respondent. The petitioner has taken further ground that O.S.No.729 of 2015 has been filed before the Additional District Munsif Court, Madurai, praying for an injunction to restrain the respondent from using the cheques.

3.This Court finds that the ground that have been raised by the petitioner are all factual in nature and this Court cannot go into those questions. These grounds will have to be raised before the Court below in the course of proceedings and the Court below will consider the same on its own merits and in accordance with law. This Court does not find any merit in this Criminal Original Petition and accordingly this Criminal Original Petition stands



dismissed.

4.The petitioner is a lady. Therefore, the presence of the petitioner is dispensed with and she shall be represented by a counsel before the Court below at the time of questioning under Section 313 Cr.P.C. and at the time of passing of the judgment. The counsel representing the petitioner shall examine the witnesses on the same day they are examined in chief and the petitioner shall not dispute the identity of witnesses. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar (CS-III)

To

The Judicial Magistrate No.I,
(Fast Track Court No.I),
Madurai.

Cr1.O.P.(MD).No.2228 of 2017

24.10.2018

tsg

RAM-KK/RSK/SAR 3/12.12.2018/2P/2C