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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.10.2018

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL.O.P. (MD) No.5969 of 2017

and

Crl.M.P. (MD) No.4034 and 4035 of 2017

A.Roselet Bai

... Petitioner

Vs

T.Jeni

... Respondent

PRAYER: Criminal Original Petitions filed under Section 482 of Cr.P.C, to call for the records in S.T.C.No.348 of 2016 on the file of the Judicial Magistrate No.I, Tirunelveli and quash the same.

For Petitioner : Mr.G.Murugendran

For Respondent : Mr.N.Dilipkumar

ORDER

This petition has been filed to quash the proceedings in S.T.C.No.348 of 2016 on the file of the Judicial Magistrate No.I, Tirunelveli.

2.This petition has been filed on the ground that the complaint does not contain any material with regard to the actual money transaction that happened between the petitioner and the respondent. The further ground that has been taken by the petitioner is that the cheque was given as security and the same has been misused by the respondent. The learned counsel has also disputed the liability on the ground that the promissory note was executed only by the petitioner's husband.

3.The learned counsel for the petitioner would further submit that the petitioner does not owe any money to the respondent and the cheque has been misused by the respondent and a criminal complaint has been filed.

4.The grounds raised by the petitioner are all factual in nature. These grounds will have to be established before the Court below in the course of trial. The Court below is directed to consider the grounds raised by the petitioner on its own merits and in accordance with law. This Court does not find any ground to interfere with the proceedings at this stage.

5.In the result, this criminal original petition is dismissed and the Court below is directed to complete the proceedings in S.T.C.No.348 of 2016 within a period of three months from the date of receipt of copy of this order and report before this Court after



completion of the proceedings.
miscellaneous petitions are closed.

Consequently, the connected

Sd/
Assistant Registrar (AD-I)

/True copy/

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Sub Assistant Registrar (CS-III)

To

1.The Judicial Magistrate No.I,
Tirunelveli.

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

+1cc to Mr.G.Murugendran, Advocate, SR.No.93770

+1cc to Mr.N.DILIPKUMAR, Advocate, SR.No. 93593

CRL.O.P. (MD) No.5969 of 2017
30.10.2018

MM

KK/PM/SAR-3/17.12.2018/2P-5C