



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 25.10.2018
CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

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CrI.O.P. (MD) .No.19438 of 2016
and
CrI.M.P. (MD) Nos.9758 & 9759 of 2016

Jackulin Mary

... Petitioner/Sole Accused

Vs.

Sundakaradhas

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Cr.P.C., to call for the records in C.C.No.149 of 2016, on the file of Judicial Magistrate No.I, Kuzhithurai, Kanyakumari District and to quash the same.

For Petitioner : Mr.S.Saji Bino

For Respondent : Mr.C.Muthu Saravanan

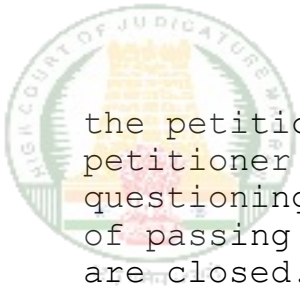
ORDER

This petition has been filed seeking to quash the proceedings in C.C.No.149 of 2016, on the file of Judicial Magistrate No.I, Kuzhithurai, Kanyakumari District.

2.The petitioner has filed this petition on the ground that there was no existence of debt or liability payable by the petitioner and the cheque has been misused by the respondent. It is the case of the petitioner that even in the complaint it is stated that the cheque was given pursuant to a settlement arrived at between the parties and there is no mention about the date of settlement and whether the settlement was reduced to writing.

3.The grounds raised by the petitioner are factual in nature. The petitioner has to raise these grounds only before the Court below in the course of proceedings and the Court below shall consider the same on its own merits and in accordance with law.

4.This Court does not find any merits in this petition. Hence, This Criminal Original Petition is dismissed. The Court below is directed to complete the proceedings in C.C.No.149 of 2016, within a period of three months from the date of receipt of a copy of this order. The presence of the petitioner is dispensed with and she shall be represented by a counsel before the Court below. The counsel representing the petitioner shall cross examine the witness on the very same day when they are examined in chief and



the petitioner shall not question the identity of the witnesses. The petitioner shall be present before the Court below at the time of questioning under Section 313 of Cr.P.C proceedings and at the time of passing judgment. Consequently, connected Miscellaneous Petitions are closed.

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Sd/-
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar(CS-I)

To

- 1.The Judicial Magistrate No.I,
Kuzhithurai,
Kanyakumari District
- 2.The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court,
Madurai. **(2 Copies)**

Cr1.O.P.(MD).No.19438 of 2016
25.10.2018

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ES/BK/SAR 1/12.12.2018/2P/4C