



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.06.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Cr1 OP(MD)No.17239 of 2013

and

MP(MD)No.1 of 2013

K.Mythili

... Petitioner/Accused

Vs.

S.Dharmalingam

... Respondent/Complainant

Prayer : This Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code, to call for the records relating to the private complaint in C.C.No.201 of 2013 on the file of the Fast Track Court (Magisterial Level) Karur and quash the same as illegal.

For Petitioner

: Mr.R.Gandhi

For Respondent

: Mr.B.K.Karthikeyan

ORDER

Heard the learned counsel on either side.

2.The petitioner is facing trial in C.C.No.201 of 2013 on the file of the learned Fast Track Court (Magisterial Level) Karur. This is a case arising under Section 138 of the Negotiable Instruments Act, 1881. The respondent herein is the complainant. The petitioner has filed this quash petition on the ground that she did not receive any statutory notice as contemplated under Section 138 of the N.I Act. The next contention is that there was no transaction between the petitioner and the respondent and that it was only her husband who had transacted with the respondent.

3.As rightly pointed out by the learned counsel for the complainant that these are not legitimate grounds for quashing the impugned proceedings. This Court went through the complaint filed by the respondent herein. It is seen that Document No.4 is the returned un-served postal cover. The complainant can only send a statutory notice through registered post addressed to the accused. It is not the case of the petitioner that a wrong address was mentioned on the postal cover. Therefore, this Court is of the view that no case has been made out to quash the impugned proceedings.



4.The learned counsel for the petitioner submits that the petitioner is a woman and that therefore it would cause great hardship to her to attend all future hearings. Hence, this Court grants the relief of dispensing with the personal appearance of the petitioner. The Trial Court shall insist on the personal appearance of the petitioner only when it is absolutely necessary and imperative. The petitioner shall be called upon to appear in person before the Trial Court at the time of answering the charges and at the time of examination under Section 313 of Cr.P.C and at the time of pronouncement of judgment. On all other occasions, the petitioner can be represented through their counsel. It is seen that the case of the year 2013. Therefore, direction is given to the learned Trial Magistrate to expedite the trial and conclude the same within a period of six months from the date of receipt of a copy of this order.

5.With this direction and the relief of dispensing with the personal appearance of the petitioner, this Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

The Fast Track Judge (Magisterial Level),
Karur.

+1CC to Mr.R.Gandhi Advocate in SR.No.70167.

+1CC to Mr.S.Gokulraj Advocate in SR.No.69948.

SKM
DS/SB/SAR-1 :09.07.2018: 2P/4C

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