

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 16.12.2019

CORAM

THE HONOURABLE Mr.JUSTICE P.VELMURUGAN

Cr1.OP No.18314 of 2013
and
MP.Nos.1 & 2 of 2013

A.Raviyath

.. Petitioner

- Vs -

1.V.Nirmala Kanwar
Rep. by K.Sunil Kumar Nahar
Power Agent.

2.The Pudukottai District Central Co-operative Bank Limited,
Rep. by its Manager,
Tirukokarnam Branch,
Pudukkottai-622 001.

.. Respondents

Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records in C.C.No.738 of 2013 pending on the file of the learned VIII Metropolitan Magistrate, G.T, Chennai and quash the same.

For Petitioner : Mr.Ramesh Kumar Chopra

For Respondents : Service awaited

ORDER

This Criminal Original Petition has been filed to call for the records in C.C.No.738 of 2013 pending on the file of the learned VIII Metropolitan Magistrate, G.T, Chennai and quash the same.

2. The first respondent herein filed a private complaint under Section 200 Cr.P.C against the petitioner herein for the offence under Section 138 of the Negotiable Instruments Act before the learned VIII Metropolitan Magistrate, George Town, Chennai. The learned Magistrate taken the cognizance of the complaint in C.C.No.738 of 2013. During pendency of the Calender case, the accused therein filed the present petition under Section 482 Cr.P.C to quash the proceedings in C.C.No.738 of 2013.

3. The learned counsel for the petitioner would submit that the petitioner does not have Bank account in the said Bank and she never issued any cheque. Due to family dispute, in order to take vengeance, the complaint has been filed. The petitioner has suitably responded to the statutory notice by way of reply. Therefore, the proceedings in CC.No.738 of 2013 may be quashed against the petitioner.

4. None appeared for the respondent. Heard the learned counsel for the petitioner and also perused the entire materials available on record.

5. Admittedly, the first respondent filed a private complaint against the petitioner for the offence under Section 138 of the Negotiable Instruments Act before the learned VIII Metropolitan Magistrate, George Town, Chennai. The learned Magistrate taken the cognizance of the complaint in C.C.No.738 of 2013. In the complaint, it is clearly stated that the cheque bearing No.629549 was issued on 20.11.2012 for a sum of Rs.2,25,000/- and when the said cheque was presented for payment, the same was returned for the reason "Insufficient Funds". Thereafter, the statutory notice has been sent to the accused. On receipt of statutory notice, she had sent reply.

6. Though the learned counsel for the petitioner submitted that the petitioner never borrowed money, she never issued any cheque and she never had bank account in the said bank, but the averments of the complaint mentioned everything. Therefore, whether the allegations levelled in the complaint is true or not and the reply allegations mentioned in the reply is true or not can be decided only after trial.

7. This Court is of the view that this is not the fit case to invoke Section 482 Cr.P.C. Accordingly, this Criminal Original petition is dismissed. Consequently, connected miscellaneous petitions are also closed.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

KMI
To

The VIII Metropolitan Magistrate,
George Town,
Chennai.

A.SK(07/02/2020)

Cr1.OP No.18314 of 2013