

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.01.2019

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.406 of 2019
and
Crl.M.P.Nos.256 & 257 of 2019

K.Shanti

...Petitioner/Accused

-Vs-

M/s.C.M.B.Traders,
Rep. by its Proprietor,
C.M.Babu,rep by power Agent
Mr.S.Prabhu

... Respondent/Complainant

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records in connection with C.C.No.1668 of 2018 pending on the file of the Fast Track Court No.I, Metropolitan Magistrate, Allikulam, Chennai and quash the same.

For Petitioner : M/s.R.Aparna

ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings in C.C.No.1668 of 2018, pending on the file of the Metropolitan Magistrate, Fast Track Court No.I, Allikulam, Chennai.

2. The respondent had initiated the proceedings against the petitioner under Section 138 of the Negotiable Instruments Act.

3. The learned counsel for the petitioner would submit that the petitioner never had any dealing with the respondent and only her husband had business transaction with the respondent. The learned counsel would further submit that the cheque was given as security had been misused and therefore, the very complaint itself is not maintainable. The learned counsel also raised several other contentions, which are factual in nature.

4. The grounds raised by the petitioner cannot be gone into by this Court in exercise of its jurisdiction under Section 482

of Cr.P.C. This can only be taken a defence before the Court below in the course of the proceedings. The Court below will have to consider the same on its own merits and in accordance with law. Therefore, this Court is not inclined to interfere with the proceedings at this stage.

5. The presence of the petitioner shall be dispensed with by the Court below and the petitioner shall be represented by his counsel. The petitioner shall be present before the Court below at the time of questioning under Sections 251 and 313 Cr.P.C., and at the time of passing the judgment. The learned counsel representing the petitioner shall cross examine the witnesses on the same day and they are examined in chief.

6. This Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings in C.C.No.1668 of 2018 on the file of the Metropolitan Magistrate, Fast Track Court No.I, Allikulam, Chennai, within a period of four months from the date of receipt of copy of this order. Consequently connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CCC)

//True copy//

Sub Assistant Registrar

LPP/vsa

To

1. The Metropolitan Magistrate,
Fast Track Court No.I,
Allikulam, Chennai.

2.The Public Prosecutor,
High Court, Madras.

VGI (CO)
GMY (05/02/2019)

Cr1.O.P.No.406 of 2019
and
Cr1.M.P.Nos.256 & 257 of 2019