

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.02.2019

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.24860 of 2013

and

Crl.M.P.No.1 of 2013

S.Gayathri

... Petitioner/Accused

Vs.

B.R.Selvarajulu

... Respondent/Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to C.C.No.222 of 2013 on the file of Judicial Magistrate No.II, Coimbatore and quash the same.

For Petitioner : Mr.S.Arivazhagan

For Respondent : Mr.Manoj Sreevadsan

O R D E R

The petitioner, who is the accused in C.C.No.222 of 2013, which is pending on the file of the Judicial Magistrate No.II, Coimbatore has filed the above quash petition. The respondent is the complainant, has filed a private complaint under Section 138 of the Negotiable Instruments Act.

2.The learned counsel for the petitioner and the respondent present.

3.The learned counsel appearing for the petitioner submitted that the petitioner is a housewife and known to one Mrs. Parimalam from whom she had requested funds in order to meet the family commitments. For which she had given cheques drawn from her account in ICICI Bank and Canara Bank and she repayed the loan amount. On the other hand, the said Parimalam have clandestinely to enrich through Mr.B.R.Selvarajulu, misused the cheques and using one of the cheque the said B.R. Selvarajulu had filed the above case. The petitioner had no transaction with the said B.R.Selvarajulu and on this ground the petitioner prayed for quashing the proceedings in C.C.No.222 of 2013 on the file of the Judicial Magistrate Court No.II,

Coimbatore.

4. When the case was taken up on 12.02.2019, it was represented that the case was transferred to the file of the Fast Track Court No.I, Coimbatore in C.C.No.56 of 2014 and thereafter it was transferred to the file of the Fast Track Court No.II, Coimbatore in C.C.No.303 of 2015 and finally the case ended in conviction against the petitioner by Judgment dated 23.08.2017 against which appeal has been filed by the respondent in CrI.A.No.275 of 2017, which is pending on the file of the V Additional District Court, Coimbatore and the case is now posted for arguments. In view of the above, the prayer in this Criminal Original Petition becomes infructuous. At this stage, the learned counsel for the petitioner submits that he wants to withdraw this Criminal Original Petition.

5. Recording the submissions made by the learned counsel for the petitioner and the endorsement so made, this Criminal Original Petition is dismissed as withdrawn. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-VI)

//True copy//

Sub Assistant Registrar

ah

To

1. The Judicial Magistrate,
Fast Track Court No.II,
Coimbatore.
2. The Judicial Magistrate,
Fast Track Court No.I,
Coimbatore.
3. The V Additional District Judge,
Coimbatore.
4. The Public Prosecutor,
High Court, Madras.

CrI.O.P.No.24860 of 2013

KS (CO)
GMY (12/03/2019)