

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.01.2019

CORAM

THE HONOURABLE Mr.JUSTICE M.DHANDAPANI

Crl.O.P.No.5563 of 2017

Lakshmi

.. Petitioner/Complainant

Vs.

1.M/s.Sri Renuka Spin Winners
Rep.by V.Raju

2.V.Raju

.. Respondents/Accused

Prayer: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the Judicial Magistrate No.3, Erode to initiate suitable action in C.C.No.700 of 2004 against him and consequently to secure the accused.

For Petitioner : Mrs.Lakshmi (Party-in-person)

For Respondents : No Appearance

O R D E R

This petition is filed to direct the Judicial Magistrate No.3, Erode to initiate suitable action in C.C.No.700 of 2004 against them and consequently secure the accused.

2.Mrs.Lakshmi, party-in-person appeared before this Court and no representation for the learned counsel for the respondents.

3.The party-in-person filed an affidavit along with the petition which is as follows:-

i)The petitioner has filed above Crl.O.P.No.5563 of 2017 seeking suitable direction to Judicial Magistrate No.1, Erode to initiate proceedings.

ii)The petitioner is a lady about 72 years old, ignorant, she does not know to write and read even in her native language Tamil. In spite of the ignorance of the petitioner, she has proved the enforceable liability against the respondents/accuse

before all the Courts, ultimately before the Hon'ble High Court also in Crl.R.C.No.874 of 2007.

iii) It is certain and well established that the petitioner was deceived and cheated by the respondents/accused. On account of the deliberate and purposeful evading motto of the respondents/accused, the petitioner lost her hard earned money and further she could not continue her business. Apart from these facts the petitioner had to run pillar to post in different Court proceedings before various Hon'ble Courts.

iv) The respondents/accused not only cheated the petitioner but also misled the Hon'ble High Court by giving false undertaking intentionally for payment in Crl.R.C.No.874 of 2007. Moreover the respondents/accused admitted that there is enforceable liability and hence the petitioner has every right to claim the cheque amount three lakhs beside with interest thereon.

v) Therefore, it is prayed that this Hon'ble Court may be ordered by granting liberty to petitioner to file fresh civil suit under summary proceedings for recovery of money before appropriate Court.

4. Considering the above said submissions made by the petitioner, this petition is disposed of granting liberty to the petitioner to file a fresh civil suit in the manner known to law, for recovery of money from the accused.

Sd/-
Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

AT

To

1. The Judicial Magistrate No.3, Erode

2. The Chief Judicial Magistrate, Erode.

+1 cc to M/s.N.Lakshmi, Advocate, S.R.No.7005

Crl.O.P.No.5563 of 2017

RV (CO)
SSM(13/03/2019).