

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.02.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P.No.4953 of 2019 and
CrI.M.P.Nos.2898 & 2899 of 2019

S.Bhuvaneshwari

... Petitioner

Vs.

M.Arumugam

... Respondent

Prayer : Criminal Original Petition filed under Section 482 Cr.P.C., to call for records and quash the proceedings in C.C.No.339 of 2018 on the Judicial Magistrate (Fast Track Level) No.1, Coimbatore.

For Petitioner : Mr.S.Sugendran

For Respondent : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to quash the proceedings in C.C.No.339 of 2018 on the file of the Judicial Magistrate (Fast Track Level) No.1, Coimbatore.

2.The learned counsel for the petitioner would submit that the impugned cheques were misplaced by the petitioner and the said cheque was utilized by the respondent and filed a complaint against the petitioner for the offence under Section 138 of the Negotiable Instruments Act. Therefore, she sought for quash the proceedings in C.C.No.339 of 2018.

3.It is seen from the earlier complaint, after the receipt of the statutory notice issued by the respondent under Section 138 of the Negotiable Instruments Act, the petitioner did not reply anything by way of reply notice. Further, it is also seen that the respondent had filed a suit for recovery of money as against the petitioner in O.S.No.126 of 2018. Therefore, there is no merit in the petition and this Court is not inclined to quash the proceedings.

4.Considering the facts and circumstances of this case, the trial Court is directed to complete the proceedings within a period of six months from the date of receipt of a copy of this order. Since, the petitioner being a lady, the personal appearance of the petitioner is dispensed with and she shall be represented by a counsel after filing appropriate application. The petitioner shall be present before the Court at the time of furnishing of copies, framing charges, questioning under Section 313 of Cr.P.C and at the time of passing Judgment.

5.Accordingly, this Criminal Original Petition stands dismissed. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

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To

1.The Judicial Magistrate (Fast Track Level) No.1,
Coimbatore.

2.The Public Prosecutor,
High Court Madras.

+1cc to Mr.S.Sugendran, Advocate, S.R.No. 16955

Cr1.O.P.No.4953 of 2019

PPA (CO)
GN (27/03/2019)

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