

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.7098 of 2019

Bhaghyalakshmi

... Petitioner/Accused

Vs.

Kaliappagounder

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records and quash the proceedings in S.T.C.No.11 of 2019 on the file of the Judicial Magistrate No.1, Gobichettipalayam.

For Petitioner : Mr.K.Mukund Rao

O R D E R

This petition has been filed to quash the proceedings in S.T.C.No.11 of 2019 on the file of the Judicial Magistrate No.1, Gobichettipalayam.

2.It is seen that the petitioner is well known to the defacto complainant for more than 10 years through his relative, who is the neighbour of the petitioner. The petitioner had borrowed money to the tune of Rs.5,00,000/- as hand loan from the respondent on several occasions and failed to repay the same within the stipulated time. When the respondent insisted for repayment, she had issued a post dated cheque for Rs.5,00,000/-. When the respondent presented the cheque for collection, it was returned as "Fund insufficient". Therefore, the respondent issued a lawyer's notice to the petitioner on 04.12.2018. Even after receiving notice, the petitioner neither replied the notice nor she repaid the loan. Hence, the respondent preferred a private complaint before the learned Judicial Magistrate No.I, Gobichettipalayam and the same was taken cognizance in S.T.C.No.11 of 2019. Hence, the petitioner has filed the present petition with the aforesaid prayer.

3.The learned counsel for the petitioner submitted that the cheque was issued only for security purpose and there was no legally enforceable debt. Hence, she sought to quash the proceedings in S.T.C.No.11 of 2019, on the file of learned Judicial Magistrate No.1, Gobichettipalayam.

4.Considering the facts and circumstances of the case, this Court is not inclined to quash the proceedings in S.T.C.No.11 of 2019 on the file of the learned Judicial Magistrate No.I, Gobichettipalayam. Accordingly, this Criminal Original Petition is dismissed. Further, it would be appropriate to direct the Court below to complete the trial within a period of three months from the date of receipt of copy of this order. Consequently, connected miscellaneous petitions are also closed.

5.The learned counsel for the petitioner submitted that the petitioner is not physically well. Considering the same, 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 Cr.P.C. and at the time of passing judgment.

rm

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

The Judicial Magistrate Court No.I,
Gobichettipalayam.

+2CCs to Mr.K.Mukund Rao, Advocate, vide SR.No.24591
(dated:22/03/2019)

CR.O.P.No.7098 of 2019
and

CrI.M.P.Nos.3921 and 3922 of 2019

vba (CO)
Kak(18/03/2019)