



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.10.2019

CORAM:

THE HONOURABLE MR. JUSTICE **G.K. ILANTHIRAIYAN**

Crl.O.P.(MD)No.2636 of 2018

and

Crl.M.P.(MD)Nos.1209 and 1210 of 2018

Nirmala

... Petitioner/Accused

Vs

Vidya

... Respondent/Defacto Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records and quash the Charge Sheet laid against the petitioner in Charge Sheet in C.C.No.121 of 2013, on the file of the Learned Judicial Magistrate (Fast Track) No.I, Nagercoil, Kanyakumari District.

For Petitioner : Mr.R.Sundar

For Respondent : Mr.G.Aravindan

ORDER

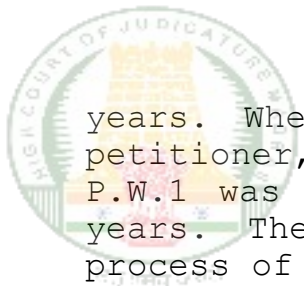
This petition has been filed to quash the Charge Sheet in C.C.No.121 of 2013, on the file of the Learned Judicial Magistrate (Fast Track) No.I, Nagercoil, Kanyakumari District.

2. Heard, Mr.R.Sundar, the learned counsel appearing for the petitioner and Mr.G.Aravindan, learned counsel appearing for the respondent.

3. C.C.No.121 of 2013 is arising out of the proceedings initiated by the respondent under Section 138 of the Negotiable Instruments Act.

4. Immediately, after taking cognizance, trial was commenced. P.W.1 was examined in chief. Thereafter, the petitioner never appeared before the Trial Court. Therefore, the Trial Court issued non-bailable warrant as against the petitioner and it is still pending.

5. Considering the said fact, the petitioner approached this Court to quash the entire proceedings after further period of 5



years. When the non bailable warrant is pending as against the petitioner, she is not entitled for any relief. That apart, already P.W.1 was examined as in chief and it is pending for the past 6 years. Therefore, this petition is nothing but clear abuse of process of law.

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6. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AD I)

// True Copy //

Sub Assistant Registrar(CS)

To

The Judicial Magistrate (Fast Track) No.I,
Nagercoil, Kanyakumari District.

+1 CC to M/s.G.ARAVINTHAN, Advocate (SR-91150[F] dated 03/10/2019)

+1 CC to M/s.R.SUNDAR, Advocate (SR-91417[F] dated 04/10/2019)

Crl.O.P. (MD)No.2636 of 2018

and

Crl.M.P. (MD)Nos.1209 and 1210 of 2018

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KK/SAR/24.10.2019/2P-4C/