



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 18.10.2019

CORAM :

WEB COPY

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P. (MD)No.5545 of 2018

and

Crl.M.P. (MD)Nos.2668 & 2669 of 2018

M.Devi ... Petitioner/Sole Accused
Vs.
C.Ramanathan ... Respondent/Complainant

Prayer: Criminal Original Petition filed under section 482 of Criminal Procedure Code, to call for the records relating to C.C.No.1 of 2018, on the file of the Judicial Magistrate (Fast Track Judge) (Magistrate Level), Karaikudi and quash the same.

For Petitioner : Mr.J.Anandkumar
For Respondent : Mr.A.L.Kannan

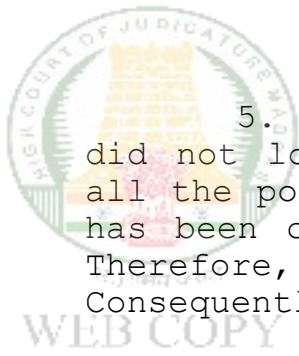
O R D E R

This petition has been filed to quash the proceedings in C.C.No.1 of 2018, on the file of the learned Judicial Magistrate (Fast Track Judge) (Magistrate Level), Karaikudi.

2. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent.

3. The respondent lodged a complaint as against the petitioner alleging that the petitioner borrowed a sum of Rs.6,20,000/- for constructing her house. Towards the repayment of the same, the petitioner issued cheque to the respondent and when the same was presented for collection, it was returned for the reason that insufficient funds. After causing statutory notice, the respondent filed a complaint and the same has been taken cognizance in C.C.No.1 of 2018 before the learned Judicial Magistrate (Fast Track Judge) (Magistrate Level), Karaikudi.

4. The learned counsel for the petitioner would submit that while she was travelling with the said cheque, it was lost and the same has been taken by the respondent and mis-used by him. The respondent would submit that the respondent is a stranger and she is no way responsible for any amount payable by her. Further, the cheque was never issued by her for any legal enforcement.



5. It is seen that after using her cheque, the petitioner did not lodge any complaint as against the respondent. Therefore, all the points raised by the petitioner cannot be consider here. It has been considered only before the Trial Court during the trial. Therefore, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petitions are also dismissed.

6. However, the learned Judicial Magistrate (Fast Track Judge) (Magistrate Level), Karaikudi , is directed to complete the entire trial proceedings in C.C.No.1 of 2018 within a period of six months from the date of receipt of copy of this Order.

7. Further, 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.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

Sub Assistant Registrar(CS)

Dss

To

The learned Judicial Magistrate
(Fast Track Judge) (Magistrate Level),
Karaikudi

+1 CC to Mr.J.ANANDKUMAR, Advocate (SR-93198[F] dated 21/10/2019)
+1 CC to Mr.J.ANAND KUMAR, Advocate (SR-93692[F] dated 22/10/2019)

Crl.O.P.(MD)No.5545 of 2018

and

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