



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.10.2019

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

WEB COPY

Crl.O.P.(MD)Nos.14603, 14604 and 14607 of 2019
and

Crl.M.P.(MD)Nos.8864,8865,8867, 8868, 8869 and 8870 of 2019

1.S.Gunasekar

2.G.Pandiammal

... Petitioners in all petitions

Vs.

Manimegalai

...Respondents in all petitions

Prayer in Crl.O.P.(MD)No.14603 of 2019: This Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records pertaining to the proceedings in S.T.C.No.462 of 2018, on the file of the learned Judicial Magistrate, Bodinayakanur and quash the same.

Prayer in Crl.O.P.(MD)No.14604 of 2019: This Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records pertaining to the proceedings in S.T.C.No.467 of 2018, on the file of the learned Judicial Magistrate, Bodinayakanur and quash the same.

Prayer in Crl.O.P.(MD)No.14607 of 2019: This Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records pertaining to the proceedings in S.T.C.No.913 of 2019, on the file of the learned Judicial Magistrate, Bodinayakanur and quash the same.

For Petitioners : Mr.C.Ganeshkumar
(in all petitions)

COMMON ORDER

These petitions have been filed to quash the proceedings in STC No.462 of 2018, CC 467 of 2018 and STC 913 of 2019 on the file of the learned Judicial Magistrate, Bodinayakanur.

2. The learned counsel for the petitioners would submit for the very same set of allegations, already the respondent lodged a complaint and the same has been registered in Crime No. 5 of 2018 for the offences under Section 406,420 and 506(i) of IPC. Again for the same set of allegations the complaint under Section 138 of the Negotiable Instrument was lodged as against the petitioners. The



cognizance and issued summons to the petitioners. Hence he sought for quashing the entire proceedings.

3. The petitioners are accused. They borrowed a sum of Rs.17,00,000/- in three installments and in order to repay the same they issued three cheques in favour of the respondent/defacto complainant. When these cheques were presented for collection, they were returned as 'funds insufficient'. After issuing notice the respondent initiated proceedings under Section 138 of the Negotiable Instrument Act.

4. It is also seen that the police complaint was lodged by the respondent and the same has been registered in Crime No. 5 of 2018 for the offences under Sections 406,420 and 506(i)of IPC. It is seen from the averments in the final report that there are different set of allegations based on which the Inspector of Police, District Crime Branch has rightly registered the First Information Report and as such the final report has nothing to do with the present proceedings initiated by the first respondent under Section 138 of the Negotiable Instrument Act.

5. In the result, the petition is devoid of merits and it is dismissed. Consequently connected miscellaneous petitions are closed. Further, the personal appearance of the petitioners are dispensed with and they shall be represented by a counsel after filing appropriate application. The petitioners 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 (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

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To:

The Judicial Magistrate, Bodinayakanur.

+1 CC to M/s.C.GANESH KUMAR, Advocate (SR-92721[F] dated 18/10/2019

Crl.O.P. (MD)Nos.14603, 14604 and
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and
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JMN (07.11.2019) 2P : 3C

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