



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.12.2019

CORAM

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

Crl.O.P.(MD)No.6038 Of 2016

and

Crl.M.P.(MD)No.2979 and 2980 of 2016

S.Radha

... Petitioner/Accused

Vs.

Octcha Devan

... Respondent/Complainant

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to the private complaint in S.T.C.No.1128 of 2012 pending before the learned Judicial Magistrate No.II, Usilampatti, Madurai, dated 16.08.2012 filed under Section 138 of Negotiable Instruments Act and quash the same as illegal.

For Petitioner

: Mr.T.Lajapathi Roy

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O R D E R

The petitioner is facing trial in S.T.C.No.1128 of 2012 on the file of the Judicial Magistrate No.II, Usilampatti. It is a case arising under Section 138 of Negotiable Instruments Act. The complainant is one Octcha Devan.

2. The petitioner's counsel submitted that she had given a complaint to the effect that the blank cheque was actually given by the petitioner to one Natarajan and that the same has been misused. The complaint was lodged on 16.08.2012 itself. But then, the First Information Report was registered only on 19.12.2012. Thus, the First Information Report lodged in this case in Crime No.1261 of 2012 on the file of C3 S.S. police station(Law and Order), Madurai City, is later in point of time.

3. Citing the contents of the First Information Report, it is not possible for me to quash the impugned private complaint. This is a matter that has to be agitated only before the trial Court. No case has been made out for quashing the impugned prosecution. Leaving open all the contentions and the defences of the petitioner, the criminal original petition stands dismissed.

4. At this juncture, the learned counsel appearing for the petitioner submitted that the petitioner is a woman and hence, her personal appearance before the Court below may be dispensed with.



5. The personal appearance of the petitioner before the Court below is dispensed with.

6. The learned trial Magistrate shall insist on the personal appearance of the petitioner only when it is absolutely necessary and imperative. The petitioner shall be called upon to appear in person before the trial Court at the time of answering the charges and at the time of examination under Section 313 of Cr.P.C., and at the time of pronouncement of Judgment. On all other occasions, the petitioner can be represented through her counsel. Consequently, connected Miscellaneous petitions are closed.

Sd/-

Assistant Registrar (crl side)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

pmu

To:

The Judicial Magistrate No.II,
Usilampatti, Madurai.

+1 CC to Mr.T.LAJAPATHIROY, Advocate (SR-105457[F]dated
17/12/2019)

Cr1.O.P.(MD)No.6038 of 2016
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VB(05.06.2020) 2P 3C