



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:02.03.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.4357 of 2020

P.Sathiya

.. Petitioner/Accused

/versus/

S.Bhuvaneswari

.. Respondent/Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for records and to quash the case in C.C.No.6836/2016 on the file of the V Metropolitan Magistrate Court, Egmore, Chennai and also all the consequential proceedings.

For Petitioner : Mr.S.Mohan

O R D E R

This Criminal Original Petition has been filed to quash the proceedings initiated under Section 138 of the Negotiable Instruments Act in C.C.No.6836/2016 on the file of the V Metropolitan Magistrate Court, Egmore, Chennai.

2.The learned counsel appearing for the petitioner submitted that even according to the complainant, the alleged cheque was issued only on the chit transaction. The chit was conducted by the petitioner without any license and it is an unauthorised chit and therefore, the cheque was never issued for legally enforceable debt by the petitioner. Therefore, the respondent initiated a complaint under Section 138 of Negotiable Instruments Act against the petitioner alleging that the petitioner availed hand loan of Rs.3,00,000/- for her urgent needs from the respondent in the year 2012. In the year 2013, when she demanded to repay the said amount, the petitioner issued a cheque to the respondent/complainant and the same was presented for collection and the said cheque was returned for the reason "Account Closed". Hence, this complaint.



3.The grounds raised by the petitioner are mixed question of fact and the same cannot be considered by this Court under Section 482 of the Cr.P.C. Therefore, this Court is not inclined to entertain this petitioner. Hence, this Criminal Original Petition is dismissed. However, the petitioner is at liberty to raise all the grounds before the trial Court.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1.V Metropolitan Magistrate Court,Egmore.

+1cc to Mr.S.Mohan, Advocate, Sr.No.18367

Crl.O.P.No.4357 of 20200

RSK (CO)
GS (13/07/2020)