

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.07.2020

CORAM:

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.21736 of 2017
Crl.MP No.12781 of 2017

Suganya

... petitioner

Vs.

Panneerselvam

.... Respondent

Prayer : Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records in C.C.No.6667 of 2016 on the file of the V Metropolitan Magistrate, Egmore, Chennai.

For Appellant : Mr.V.V.Sairam

O R D E R

The petitioner, who is an accused in C.C.No.6667 of 2016, has filed this petition to call for the records in C.C.No.6667 of 2016 on the file of the V Metropolitan Magistrate, Egmore, Chennai.

2. The contention of the petitioner is that though the respondent/complainant had given a sum of Rs.4,00,000/- with 24% interest to the petitioner, the date of borrowal has not been specifically stated in the complaint. It is further submitted that there is no document to show that two cheques were issued by the petitioner as alleged by the complainant. Further submitted that the petitioner is a lady and she had been falsely implicated in this case with an ulterior motive and sought for quashing of the complaint.

3. On perusal of the complaint, it is seen that the petitioner had obtained a sum of Rs.4,00,000/- from the respondent/complainant as hand loan to meet out her personal commitments during June 2015. Further, the petitioner had issued two cheques, (i) Yes Bank, Nungambakkam Branch bearing cheque No.681784 dated 01.08.2016 for a sum of Rs.2,00,000/- and (ii) cheque No.681785 dated 03.08.2016 for a sum of Rs.2,00,000/- in discharge of valid liability. The respondent/complainant presented the cheques for collection through his banker viz., Bank of India, Kolathur Branch. But the cheques were returned with an endorsement "insufficient fund". Thereafter, the complainant issued statutory notice

dated 01.09.2016 and the petitioner received the same, but, till date she has not replied. Therefore, the complaint was filed. From the complaint, it is seen that statutory requirements for filing of the complaint are available.

4. In view of the above contention, the points raised by the petitioner are factual which are to be raised during trial and not in quashing the complaint. Hence this petition is dismissed. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (CS-VI)

//True copy//

Sub Assistant Registrar

ssb

To

The V Metropolitan Magistrate,
Egmore, Chennai.

CRL.O.P.No.21736 of 2017

KS (CO)
GMY (23/09/2020)

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