

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.07.2020

CORAM:

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.22027 of 2017

CRL.M.P.Nos.12914 & 12915 of 2017

T.S.Shanthi ... petitioner/Accused

Vs.

V.Ramakrishnan ... Respondent/Complainant

Prayer : Criminal Original Petition filed under Section 482 of Cr.P.C., (i) to call for the records in C.C.No.2951 of 2012, pending on the file of the Judicial Magistrate, Fast Track Court, Alandur and quash the same as the complaint is liable to be quashed (ii) to stay all further proceedings in C.C.No.2951 of 2012 pending on the file of the Judicial Magistrate, Fast Track Court, Alandur pending disposal of the above Crl.O.P. And (iii) to dispense with the personal appearance of the petitioner/accused in C.C.No.2951 of 2012 pending on the file of Judicial Magistrate, Fast Track Court, Alandur pending disposal of the above Crl.O.P.

For Appellant : Mr.P.Meenakshi Sundaram

O R D E R

The petitioner, who is an accused in C.C.No.2951 of 2012, has filed this petition to call for the records in C.C.No.2951 of 2012, pending on the file of the Judicial Magistrate, Fast Track Court, Alandur and quash the same as the complaint is liable to be quashed (ii) to stay all further proceedings in C.C.No.2951 of 2012 pending on the file of the Judicial Magistrate, Fast Track Court, Alandur pending disposal of the above Crl.O.P. And (iii) to dispense with the personal appearance of the petitioner/accused in C.C.No.2951 of 2012 pending on the file of Judicial Magistrate, Fast Track Court, Alandur pending disposal of the above Crl.O.P.

2. The contention of the petitioner is that she was the Director of FAR Eastern Cuisines Private Limited. When she was Director, some her signed cheques have misplaced. By using one of the cheque, complainant has filed C.C.No.2951 of 2012 on the file of the Judicial Magistrate, Fast Track Court, Alandur for the offences under Section 138 of Negotiable Instruments Act. It is further submitted that there is no document to show that cheque was 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.10,00,000/- from the respondent/complainant as hand loan to meet out her personal commitments. Further, the petitioner had issued cheque No.179735 dated 02.04.2012 for a sum of Rs.10,00,000/- in his account with Bank of Baroda, Ullagaram Branch, Chennai on 18.05.2012. The respondent/complainant presented the cheque for collection. But the cheque was returned with an endorsement "insufficient fund". Thereafter, the complainant issued legal notice 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 Criminal Original Petition is dismissed. No costs. Consequently, connected miscellaneous petitions are also closed.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

To

The Judicial Magistrate, Fast Track Court, Alandur.

Rld(co)
krd 8/10

CrI.OP.No.22027 of 2017

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