



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.02.2020

CORAM:

THE HONOURABLE MR. JUSTICE A.D. JAGADISH CHANDIRA

Crl.O.P. (MD) .No.2191 of 2020

and Crl.M.P. (MD) Nos. 1119 & 1120 of 2020

Kavitha ...Petitioner/Accused

Vs.

Karuppasamy ... Respondent/Respondent

PRAYER: This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to call for the records relating to the proceedings in C.C.No.164 of 2018 on the file of the Judicial Magistrate No.II, Sivakasi, Virudhunagar District and quash the same as against the petitioner.

For Petitioner : Mr.V.Illanchezian
For Respondent : Mr.M.Jothibas

O R D E R

The Criminal Original Petition has been filed to quash the proceedings in C.C.No.164 of 2018 on the file of the Judicial Magistrate No.II, Sivakasi, Virudhunagar District as against the petitioner.

2. The learned counsel appearing for the petitioner would submit that the petitioner's husband had borrowed money from various persons. Since she was troubled by all the borrowers she has filed a petition for divorce during the year 2017 and the same was dismissed for default. Subsequently, her husband has also filed Insolvency Petition in IP No. 7 of 2018 before the Principal District Court, Tuticorin, wherein he has shown list of creditors and he has also referred that he has handed over a cheque to one Kannan who had handed over the same to Karuppasamy and has filed a case in C.C. No.164 of 2018. There is no legal enforceable debt in respect of the petitioner.

3. Mr. Jothibas, learned counsel appearing for the respondent would submit that the trial has been completed and the case stands posted for arguments. He would further submit that the petitioner has earlier filed discharge petition before the trial Court the same was dismissed as against which a revision has been filed.



4. In view of the same, this Court does not want to interdict the proceedings at this stage. Accordingly, the Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petitions are closed.

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Sd/-

Assistant Registrar (AD II)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

Ksa
To
The Judicial Magistrate No.II,
Sivakasi, Virudhunagar District

+1 CC to M/s.G.M.LAW ASSOCIATES, Advocate (SR-7463[F] dated
21/02/2020)

+1 CC to M/s.V.ILLANCHEZIAN, Advocate (SR-7622[F] dated
21/02/2020)

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SM/ (06.05.2020) 2P 4C