



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.01.2020

CORAM:

THE HONOURABLE **MR. JUSTICE A.D. JAGADISH CHANDIRA**

Crl.O.P. (MD) No.19497 of 2019

and

Crl.M.P. (MD) Nos.11440 & 11441 of 2019

Sharmila Banu

: Petitioner/Accused

Vs.

Marimuthu

: Respondent/Complainant

**PRAYER:** Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records relating to the Private Complaint in S.T.C.No.176 of 2019 on the file of District Munsif cum Judicial Magistrate, Rameswaram and quash the same as illegal.

For Petitioner

: Mr.J.Sulthan Basha for  
M/s.Ajmal Associates

**ORDER**

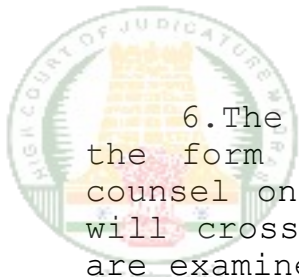
This Criminal Original Petition has been filed to quash the proceedings in S.T.C.No.176 of 2019 on the file of District Munsif cum Judicial Magistrate, Rameswaram.

2.The learned counsel appearing for the petitioner would submit that the cheque of the petitioner was lost. It has been misused by the complainant. He further submitted that though the petitioner signed in the cheque, the other entries have been made by someone else and she had denied her liability by sending a reply notice to the notice sent by the respondent/complainant.

3.This Court is of the view that all the grounds can be raised before the trial Court and there is no merit in the quash petition.

4. At this juncture, the learned counsel appearing for the petitioner prayed that the personal appearance of the petitioner before the trial Court, may be dispensed with.

5.Accepting the said submission, the presence of the petitioner before the trial Court shall be dispensed with on condition that she shall be present on the first day of appearance, on the date fixed for receiving the copies, initial questioning, reply to charges and questioning under Section 313 of Cr.P.C., and at the time of passing judgment and whenever insisted upon by the trial court.



6.The petitioner is further directed to give an undertaking in the form of affidavit that she will be duly represented by a counsel on all hearing dates and that the Counsel representing her will cross examine the prosecution witnesses on the same day they are examined in chief. The petitioner shall not dispute the identity of the witnesses. The petitioner shall appear before the Court in the event her presence is insisted by the trial judge for the purpose of identification. If the petitioner adopts any dilatorial tactics, it is open to the Trial Court to insist for her appearance and deal with the petitioner in accordance with the judgment of Supreme Court of India, ***in State of Uttar Pradesh Vs. Shambunath Singh***, reported in **2001 (4) SCC 667**.

7.Accordingly,this Criminal Original Petition dismissed. Consequently, connected Miscellaneous Petition in Crl.M.P(MD) No.11440 of 2019 stands closed and Crl.M.P(MD) No.11441 of 2019 stands ordered.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Dss

To

The District Munsif cum Judicial Magistrate,  
Rameswaram.

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-547[F]dated 07/01/2020 )

Crl.O.P. (MD)No.19497 of 2019  
and

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