

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :28.04.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Cr1.OP.No.7880 of 2021
CRL.MP.Nos.5229 & 5230 of 2021

V.Vadiudaiammal

...Petitioner

Versus

U.Aravindh

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in C.C.No.5535 of 2018 pending on the file of the FTC-III, Saidapet, Chennai and quash the same.

For Petitioner : Mr.T.Annaamalai

ORDER

The petitioner is the accused in CC.No.5535 of 2018 pending trial on the file of the FTC III, Saidapet, Chennai for the offence under Section 138 of the Negotiable Instruments Act.

2. The contention of the learned counsel for the petitioner is that the respondent/complainant was 19 years old in the year 2018 and he had no source of income to give a sum of Rs.6,00,000/- to the petitioner. Further, the petitioner and the respondent are siblings which fact has been suppressed in the complaint. He submits that a false complaint has been lodged stating that the petitioner issued six cheques dated 05.03.2018 for the repayment of the borrowed amount. The respondent had sent a statutory notice dated 13.03.2018 to the petitioner alleging that the cheques were returned. The learned counsel admits that since the respondent is petitioner's brother, she had not sent any reply to the notice. She approached her brother directly for solving the issue and he promised not to proceed against the petitioner. Contrary to the undertaking, he had lodged a false complaint against her.

3. From the materials on record, it is seen that the case is at the penultimate stage, witnesses were examined and documents were also marked before the trial court. The points now raised by the petitioner are highlighting the contractions found in the

petition, which are to be brought before the trial court. The points raised by the petitioner are factual in nature. It cannot be adjudicated in a quash petition. In view of the same, this Criminal Original Petition is dismissed. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The Presiding Officer,
FTC-III, Saidapet,
Chennai.
2. The Public Prosecutor,
High Court of Madras,
Chennai.

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AK(CO)
SU(13/07/2021)

सत्यमेव जयते

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