



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.11.2021

C O R A M

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

CrI. O.P. No.19217 of 2017
and
CrI. M.P.No.11663 of 2017

Seetha Lakshmi Ammal

...Petitioner/Accused

Versus

M.Sikkandar

...Respondent/Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Cr.P.C. to quash the proceedings in C.C.No.1544 of 2013 on the file of Fast Track Court - IV Magistrate, George Town, Chennai - 600 001 as against the petitioner/ Accused-2.

For Petitioner ... Mr. R.Sundara Murthy

For Respondent ... No appearance

O R D E R

This petition has been filed to quash the proceedings in C.C.No.1544 of 2013 pending on the file of Fast Track Court - IV Magistrate, George Town, Chennai - 600 001 for the offence under Section 138 of Negotiable Instruments Act.

2. Heard the learned counsel for the petitioner.

3. The contention of learned counsel appearing for the petitioner is that the petitioner has not issued any cheque and her name has been included in the charge sheet as she is the mother of the 1st accused. It is his further contention that as there is no privity of contract between the parties, the cheque was not issued by her.

4. There is no representation for the respondent despite the name has been printed in the cause list.

5. Though it is alleged that both the accused have borrowed the money, the very complaint itself reveals that only the first



accused has issued the cheque. When such being the case, the complaint as against the second accused is not maintainable. To maintain the prosecution, one of the essential condition is that the cheque should have been drawn by a person on an account maintained by him/her. Admittedly, the complaint itself discloses that the cheque was not issued by the petitioner herein on the account maintained by her. When such being the position, the prosecution against the present petitioner is nothing but a clear abuse of process of law and the same is liable to be quashed.

Accordingly, this Criminal Original Petition is allowed and the proceedings in C.C.No.1544 of 2013 on the file of Fast Track Court - IV Magistrate, George Town, Chennai - 600 001 is quashed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

gpa/gba

To

The Fast Track Court - IV Magistrate,
George Town, Chennai - 600 001.

+2ccs to Mr.R.Karunakaran, Advocate, S.R.No.58137

Cr1. O.P. No.19217 of 2017
and
Cr1. M.P.No.11663 of 2017

SVI[co]
NSK 29/11/2021