



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:17.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE **G. ILANGO VAN**

Crl.O.P. (MD)No.3010 of 2021

and

Crl.M.P(MD) Nos.1626 and 1627 of 2021

Kalavathi

... Petitioner/2nd Respondent

Vs.

- 1.Crishtina Mathankumar
- 2.Veeraiah @ Kambam Veeraiah (Died)
- 3.Rajarathinam (Died)
- 4.M.P.Duraisamy
- 5.Duraisamy
- 6.P.Kavi Seelan
- 7.Manikandan

...Respondent/
Respondents 1,3,4,5,6,7

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records and to quash private complaint filed by the first respondent/petitioner in C.C.No.1420/2019 on the file of the Judicial Magistrate No.VI, Madurai against the petitioner/second respondent.

For Petitioner : Mr.J.Gunaseelanmuthiah

O R D E R

The petition has been filed seeking quashment of the private complaint filed by the first respondent in C.C.No.1420 of 2019 on the file of the Judicial Magistrate No.VI, Madurai against the petitioner/second respondent.

2.The brief facts of the case are as follows:-

The complainant/first respondent herein is running a school for the past 17 years. The first accused is a money lender and the complainant received money from the first accused by signing various pro-notes and bond papers. Later, she was not in a position to pay the interest. Hence, a complaint under Section 138 of NI Act was filed by the first accused. Based upon the signed documents, the first accused has filed various cases against her through his relatives. Moreover, she also lost about 20 cheques, which were signed, on the way to Annanagar from Gomathipuram on 21.06.2016. In respect of which, publication was issued in the daily newspapers. The sign of her husband was also forged and on that basis, a



complaint was also filed. On 25.07.2016, the first and second accused came to the complainant's school and abused her in filthy language and also informed that he has filed various complaints on the basis of the signed cheques. They have also demanded a sum of Rs.15 lakhs on condition that they should return the signed cheque and she also criminally intimidated. With these allegations, she filed a private complaint before the trial Court for punishing the accused for having committed offences under Sections 406, 420, 465, 467, 468, 471 and 120(B). Seeking quashment of the private complaint, this petition has been filed by the petitioner.

3.When the petition came up for hearing, the learned counsel for the petitioner would submit that without going into merits of the case, a direction may be issued to the trial Court to conclude the trial within a stipulated time and the personal appearance of the petitioner may also be dispensed with.

4.Considering his request and also considering the fact that the petitioner is being a woman, the personal appearance of the petitioner is dispensed with before the trial Court on condition that she must appear before the trial Court within a period of 15 days from the date of receipt of a copy of this order and file an undertaking affidavit stating that she will appear before the trial Court as and when her presence is required, by affixing attested photograph. The learned Judicial Magistrate No.VI, Madurai, is directed to conclude the trial in C.C.No.1420 of 2019 within a period of six months from the date of receipt of a copy of this order.

5.With the above direction, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

cp

Note : (i) **Issue order copy on 22.04.2021**

(ii) In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

<https://hcservices.courts.gov.in/hcservices/>



To

The Judicial Magistrate No.VI,
Madurai.

WEB COPY

Copy to.

1. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai
2. The Registrar (Judicial)
Madurai Bench of Madras High Court
Madurai.

Crl.O.P.[MD]No.3010 of 2021

22.01.2021

CN(07.05.2021) 3P 4C