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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

Crl.O.P.No.27583 of 2016
and Crl.M.P.Nos.14080 & 14081 of 2016

R.Kavitha

... Petitioner/Accused

Vs.

M/s.M.R.Impex
represented by its Power Agent,
Mr.Jitendra Mehta,
S/o.S.R.Mehta,
No.9, Trevelyan Basin Street,
Sowcarpet,
Chennai - 600 079.

... Respondent/Complainant

PRAYER: This Criminal Original Petition has been filed under Section 482 of Cr.P.C, praying to call for the records and quash proceedings in C.C.No.2780 of 2016 pending before the learned VIII Metropolitan Magistrate Court at Chennai.

For Petitioner : Mr.P.Jesus Moris Ravi

For Respondent : Dr.Mr.A.Thiagarajan
Senior Counsel
for M/s.S.Ramesh Kumar

ORDER

The respondent/accused in C.C.No.2780 of 2016, before the learned VIII Metropolitan Magistrate, George Town, is the revision petitioner herein and she seeks to quash the proceedings in the above CC, on the ground that her husband and the private complainant were doing the business and there was a dissolution of the said business. In such business, there was a compromise and the memo of compromise was also recorded. During that time, signed blank cheque was issued to husband of the petitioner and the same has been subsequently filled up and hence, the present CC.No.3780 of 2016 has been filed.

2.During the course of trial, PW1, PW2 & PW3 were examined and Exs.P1 to P9 were marked and matter is posted for cross examination of the witnesses.



3.The learned counsel for the petitioner/accused would contend that the statement of accounts, during the mediation, were also filed by the accused, while the respondent/private complainant has not filed the same before this Court.

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4.Dr.Mr.A.Thiagarajan, learned Senior Advocate appearing for the private complainant would contend that the private complaint was taken on file by the learned VIII Metropolitan Magistrate Court at Chennai, in C.C.No.2780 of 2016, under Section 138 of the Negotiable Instruments Act read with Section 200 of Cr.P.C.

5.Heard the learned counsel on the either sides and perused the materials placed on record.

6.Considering the submissions made by both parties, the case is already taken on file and the trial has also been commenced, the sole point that was raised by the accused/petitioner is that the blank signed cheque given by her husband P.K.Rajesh Khanna was misused and the present case has been filed. It is suffice to state that the presumption under Section 139 of Negotiable Instruments Act is applicable to the facts and circumstances of the case and hence, it is a matter for trial, as to whether, a blank cheque was given by the husband of the petitioner in connection with what the said cheque was issued and the other point raised by the petitioner/accused is also matter for trial and hence, I am not inclined to grant the relief as prayed for.

7.Accordingly, this Criminal Original Petition stands dismissed with a direction to the learned VIII Metropolitan Magistrate Court at Chennai, to complete the case within a period of four months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

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To

The VIII Metropolitan Magistrate,
Chennai.

CrI.O.P.No.27583 of 2016
and CrI.M.P.Nos.14080 & 14081 of 2016