



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.06.2022

CORAM:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

CRL.O.P.NO.2783 OF 2019

AND

CRL.M.P.NOS.1809 AND 1810 OF 2019

Priya

... Petitioner/Accused

.Vs.

Ravi Sundaram

... Respondent/Complainant

PRAYER:-

Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records relating to C.C.No.1784 of 2018 on the file of Fast Track-III Metropolitan Magistrate Court, Saidapet and to quash the same.

For Petitioner : Mr.C.Prabakaran

For Respondent : No appearance

O R D E R

Heard the learned counsel for the petitioner. Though the private notice served on the respondent, no representation on behalf of him.

2. This Criminal Original Petition is filed to quash the private complaint arising out of Section 138 of the Negotiable Instruments Act.

3. The learned counsel for the petitioner would submit that there is no legally enforceable debt in respect of the subject cheque, which was issued as security in connection with the sale transaction of the property sold by the husband of the petitioner. Due to breach of the agreement, the complaint has been lodged against the defacto complainant by the husband of the petitioner herein. To counter the same, the defacto complainant had filed a criminal complaint alleging that the



petitioner herein and her husband have cheated him by entering into an agreement to sell a Natham land in respect of money obtained from him. Claiming that those allegations against the petitioner and her husband are all factually incorrect with false averments. The cheque, which was given pursuant to the return of the sale consideration, was misused and in fact, only Rs.10,00,000/- was received as a sale consideration of the said sale transaction and the same was also repaid. However, the blank cheque issued by the petitioner has been filled up and misused to lodge a criminal complaint.

4. Though there is some weight and force in the above submissions, all these facts have to be tested by the trial Court and the legal process cannot be short circuited by exercising the power under Section 482 of Cr.P.C.. Hence this Criminal Original Petition to quash the criminal proceedings is dismissed without prejudice to the right of the petitioner herein to raise all these defence before the trial Court.

5. Accordingly this Criminal Original Petition is dismissed. Consequently, the connected Criminal Miscellaneous Petitions are also dismissed.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

rpl

To

The Fast Track-III Metropolitan Magistrate Court,
Saidapet, Chennai.

+1cc to Mr.C.Prabakaran, Advocate, S.R.No.33174

CRL.O.P.NO.2783 OF 2019

RSI (CO)
PBS/20/06/2022