



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.04.2022

CORAM:

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.O.P.No.5072 of 2019

and

Crl.M.P.No.2947 of 2019

Swapna

... Petitioner / Accused

Vs.

M/s.Unity Capital Finance
Rep.by its Partner Mr.Alagusolaimalai
No.5/8 1st Floor Bharathi Salai
Ramapuram,Chennai 600 089.

... Respondent / Complainant

PRAYER: Criminal Original Petition has been filed under Section 482 of Cr.P.C, praying to call for the records in STC.No.8 of 2018 on the file of the Fast Track Court, Poonamallee, Chennai and quash the proceedings against the Petitioner.

For Petitioner : No Appearance

For Respondent : Mr.D.Prasanna

for M/s.Giridhar and Sai

ORDER

This petition had been filed to call for the records in STC.No.8 of 2018 on the file of the Fast Track Court, Poonamallee, Chennai and quash the proceedings against the Petitioner.

2. When the matter was taken up for hearing, there was no representation for the Petitioner.

3. The learned Counsel for the Respondent was present in Court and he submitted that when the evidence in the complaint was closed and the case was posted for arguments, the Petitioner herein filed a petition under Section 311 of Cr.P.C., to recall the prosecution witnesses (eighth witness). The said petition was allowed with costs of Rs.2,000/-, but she did not pay the cost immediately. On the next adjournment she paid. She has now come before this Court to quash the complaint filed by the Respondent under Section 138 of Negotiable Instruments Act.



4. Further, the learned Counsel for the Respondent/Complainant submitted that at that time of filing this petition, the Petitioner, who is the Accused before the learned Fast Track Court, Poonamallee, had stated that the husband of the Petitioner, colluded with the Respondent/Complainant and filed this complaint. The learned Counsel for the Respondent invited the attention of this Court to the cheque, which was enclosed in the typed set of papers and submitted that it was returned for difference in signature. This was brought to the notice of the Petitioner. Thereafter, again she had issued two cheques and this time the cheques were returned for "insufficient funds". Therefore, a statutory notice was issued. Since she had not responded, the complaint was filed.

5. It is seen that the respondent has appeared before the trial Court and conducting the case. When the trial is at the stage of arguments, this petition has been filed. Taking advantage of the interim stay granted at the stage of admission before this Court, the Petitioner succeeded in delaying the proceedings before the Trial Court successfully for three years. It is an abuse of process of the Court under Section 482 of Cr.P.C. Hence, this petition is dismissed. The learned Judicial Magistrate is directed to proceed with further trial. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

dna
To

1. The Fast Track Court,
Poonamallee, Chennai.

2. The Public Prosecutor
High Court, Madras.

+1cc to M/s.Giridhar and Sai, Advocate, S.R.No.24482

Cr1.O.P.No.5072 of 2019
and

Cr1.M.P.No.2947 of 2019

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NSK/25/05/2022