



CrI.O.P.No.10141 of 2019
and CrI.M.P.No.5247 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.06.2022

CORAM:

THE HONOURABLE Dr. JUSTICE **G.JAYACHANDRAN**

CrI.O.P.No.10141 of 2019

and

CrI.M.P.No.5247 of 2019

A.Shenbagadevi

..Petitioner

Vs.

T.Syed Mohammed

..Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records and quash the S.T.C.No.661 of 2018, on the file of the Judicial Magistrate at Perundurai.

For Petitioner : Mr.K.Saran Raj

For Respondent : Mr.R.T.Vishnu
for Mr.N.Manokaran

ORDER

This Criminal Original Petition is filed to quash a criminal complaint filed by the respondent herein under Section 138 of Negotiable Instruments Act.



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2. The petitioner / accused contended that the complainant is an unknown person and the subject cheque was lost in transit by her son on 14.05.2018 and gave a complaint to the Kumarapalayam Police on 16.05.2018 for loss of cheques was given. The police gave the receipt in C.S.R.No.108 of 2018. While so, the stolen cheque has been presented by the complainant filling his name for Rs.10,00,000/-. The factum of missing cheque and misused has been expressly stated in the reply to the statutory notice and in spite of that the complaint has taken cognizance.

3. The learned counsel for the petitioner referring the C.S.R receipt issued in the name of Vijayaraj, the son of the petitioner herein would vehemently contend that even before the date of the cheque, a complaint of missing of cheque has been lodged to the police. While so, the alleged transaction on 17.07.2018 and issuance of post dated cheque, on the face of the record is found to be false.

4. This Court on perusing the complaint alleged to have been given by the son of the petitioner herein dated 16.05.2018 does not find any specific reference to the cheque which is the subject matter of the private complaint. While



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so, this Court finds that based on the said C.S.R, no conclusion can be drawn that the complaint is not maintainable. It is for the petitioner to prove her innocence before the trial Court and rebut the presumption against her during the course of trial.

5. In view of the above, this Criminal Original Petition is dismissed.

Consequently, the connected Criminal Miscellaneous Petition is also dismissed.

30.06.2022

Index :Yes/No.

Internet :Yes/No.

Speaking order/Non-speaking order

rpl

To,

The Judicial Magistrate, Perundurai.



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Dr.G.JAYACHANDRAN,J.

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