



Crl.O.P.No.15975 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.11.2022

CORAM

THE HON'BLE Dr.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.15975 of 2019

and

Crl.M.P.No.7956 of 2019

Janani

... Petitioner

-Vs.-

M/s.Ultra Ready Mix Concrete (P) Ltd.,
Represented by its Authorised Power Agent,
Mr.Perumalsamy, Assistant Manager,
Having its registered address at No.36-38,
Tatabad, Coimbatore 641 012.

.. Respondent

Criminal Original Petition filed under Section 482 of Code of Criminal Procedure to call for the records culminating in C.C.No.956 of 2018 on the file of the learned Judicial Magistrate, Fast Track Court No.II, Coimbatore and quash the same.



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For Petitioner :Mr.B.Mohan
For Respondent :Ms.P.Yogalakshmi,
for Mr.P.Maheshkumar

ORDER

This criminal original petition has been filed to call for the records culminating in C.C.No.956 of 2018 on the file of the learned Judicial Magistrate, Fast Track Court No.II, Coimbatore and quash the same.

2. The petitioner herein is a signatory of the cheque, which is the subject matter of C.C.No.956 of 2018 on the file of Judicial Magistrate II. It is alleged that the signed cheque was stolen by her estranged husband, against whom she has preferred a complaint, which is registered in C.S.R.Nos.41 of 2017 and 199 of 2017 as well as another FIR in the year 2018. While so, the signed blank cheque has been misused by her estranged husband and through his employer the cheque dated 07.04.2018 been presented for collection and consequently private



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complaint has been given.

3. When the matter came up for admission, it was submitted by the learned counsel for the petitioner that the signature in the cheque is not made by the petitioner and hence the Court stayed for the proceedings and also directed the trial Court to send the cheque for the handwriting expert opinion.

4. Today when the matter was taken up for final hearing, the learned counsel for the petitioner states that so far the expert opinion has not yet been received.

5. Be that as it may, it is for the trial Court to consider the opinion of the expert and proceed. As far as this petition to quash is concerned, the reasons stated in the petition are all disputed facts, which has to be decided on trial and the High Court exercising its power under Section 482 Cr.P.C, cannot conduct a mini trial and arrive at conclusion contrary to the procedure established under the code.



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6. In view of the above, this Criminal Original Petition is dismissed with liberty to the petitioner to agitate all the points raised in the quash petition before the trial court. Consequently, connected miscellaneous petition is also closed.

02.11.2022

Speaking/Non-speaking order

Index: Yes/No

Internet : Yes/No

nsa

To

1.The Judicial Magistrate, Fast Track Court No.II,
Coimbatore

2.The Public Prosecutor,
High Court, Madras.



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Dr.G.JAYACHANDRAN.J.,

nsa

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