



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

CRL.O.P.NO.14108 OF 2022

AND

CRL.M.P.NOS.7699 AND 7701 2022

G.Baghiyalakshmi

...Petitioner / Accused

Vs

Selvamani

...Respondent / Complainant

Prayer : Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records of the learned Judicial Magistrate-1, Jayamkondam, Ariyalur District in S.T.C.No.47 of 2022 on his file and quash the proceedings therein as against the petitioner herein.

For Petitioner : Mr.K.Balu

ORDER

This Criminal Original Petition has been filed to call for the records of the learned Judicial Magistrate-1, Jayamkondam, Ariyalur District in S.T.C.No.47 of 2022 on his file and quash the proceedings initiated u/s.138, 142 of the Negotiable Instruments Act as against the petitioner herein.

2.It is the main contention of the learned counsel for the petitioner that there is no legally enforceable debt and in fact there was an agreement between the husband of the accused and the complainant for the purchase of land. Whereas, the complaint itself is lodged as if there is a loan transaction, but there is no legally enforceable debt. Hence preferred a petition u/s.482 Cr.P.C. to quash the proceedings.

3. The contention of the learned counsel for the petitioner has no force in the eye of law. It is for the accused to dislodge the legal presumption bringing the probability by letting in evidence.

4.Accordingly, I find no merits in the submission of the learned counsel. This Criminal Original Petition stands dismissed. As sought by the learned counsel, the presence of the



petitioner before the Trial Court shall be dispensed with provided that she shall present for receiving the charge sheet, for answering the charge, at the time of questioning under Section 313, Cr.P.C and at the time of passing judgment. Consequently, the connected CrI.M.P.No.7701 of 2022 is ordered and CrI.M.P.No.7699 of 2022 is closed.

Sd/-
Assistant Registrar(CS-IX)

// True Copy //

Sub Assistant Registrar

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To

The Judicial Magistrate - I,
Jayamkondam,
Ariyalur District.

CrI.O.P.No.14108 of 2022
&CrI.M.P.No.7699&7701/2022

PMK (CO)
RVM(30/06/2022)