



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.02.2022

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P. (MD)No.2952 of 2022

and

CRL MP (MD)No.2210 of 2022

WEB COPY

Balammal

... Petitioner/Sole Accused

Vs.

S.A.Sureshkumar
Managing Director,
Don Publications Private Limited
Through his power holder
V.Murugan
Manager,
Don Publications Private Limited
Palayamkottai,
Tirunelveli - 627 002

...Respondent/Complainant

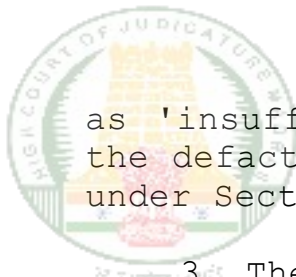
Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records in S.T.C.No.205 of 2021 on the file of the Special Judicial Magistrate (Fast Track Court), Tirunelveli and quash the same as illegal as against the petitioner.

For Petitioner : Mr.R.M.Suresh

ORDER

This Criminal Original Petition has been filed to quash the proceedings in S.T.C.No.205 of 2021 on the file of the Special Judicial Magistrate (Fast Track Court), Tirunelveli as illegal as against the petitioner.

2. The petitioner is facing the prosecution initiated by the respondent for the offences punishable under Sections 138 and 142 of Negotiable Instruments Act. The respondent is running a business under the name and style of 'M/s.Don Publications Private Limited'. The petitioner and her husband entered into partnership and doing a business under the name and style 'Aravind Book House' wherein, they have issued school books to the schools in and around Kanyakumari District. The petitioner purchased school books from the respondent and her husband also has purchased school books from the year January 2019 to February 2019 from the respondent to the tune of Rs.34,69,296.90/-. However, the petitioner repaid a sum of Rs.22,29,338.70/-. The petitioner issued a cheque for the remaining amount on 10.07.2019, which was presented for collections and the same was returned for the reason



as 'insufficient fund'. After causing notice to the petitioner, the defacto complaint lodged complaint for the offence punishable under Section 138 of Negotiable Instrument Act.

3. The only point raised by the petitioner is that the cheque was issued for the security purpose, but the respondent company misused the same.

4. The ground raised by the petitioner can be considered only during the trial and not at this stage.

5. In view of the above, this Court finds no merits in this petition. However, considering the age of the petitioner, the personal appearance of the petitioner is dispensed with and she shall be represented by a counsel after filing appropriate application. However, the petitioner shall be present before the Court at the time of furnishing of copies, framing charges, questioning under Section 313 Cr.P.C. and at the time of passing judgment. The Trial Court is directed to complete the trial within a period of twelve months from the date of receipt of a copy of the order.

6. With the above observation, this Criminal Original petition stands dismissed. Consequently, the connected Miscellaneous Petition is also dismissed.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

lr

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

The Special Judicial Magistrate
(Fast Track Court), Tirunelveli.

Crl.O.P. (MD)No.2952 of 2022

11.02.2022