



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.06.2022

CORAM:

THE HONOURABLE MR. JUSTICE **V. SIVAGNANAM**

Crl.O.P.(MD) No.11221 of 2022

and

Crl.M.P(MD) Nos.7072 and 7073 of 2022

WEB COPY

B.Kalaivani, : Petitioner/Accused

Vs

S.Vimalasekar, : Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying this Court to call for the records in C.C. No. 57 of 2022 on the file of the learned Fast Track Court, Karaikudi and quash the same as against the petitioner herein

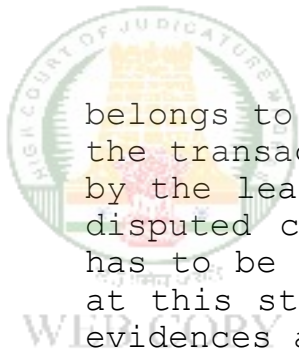
For Petitioner : M/s.Kevin Karan K,

ORDER

This criminal original petition has been filed seeking to quash the C.C. No. 57 of 2022, on the file of the learned Fast Track Court, Karaikudi.

2.The learned Counsel appearing for the petitioner submitted that the petitioner is prosecuted by the respondent police for the offences under Section 138 of Negotiable Instruments Act, 1881 in C.C. No. 57 of 2022, on the file of the learned Fast Track Court, Karaikudi. The contention of the petitioner is that he did not know about the complainant and further stated that she had not given any cheque to the complainant and also not received any amount from the complainant. But, she has not disputed the cheque filed in the private complaint to support her case. He further submitted that a closure report had been filed by the Central Crime Branch, on the complaint given by one Usha Devi. In that, the Inspector of Police recorded various cheques received by the said Usha Devi and one among the cheque is given to alleged Usha Devi. Since it is a clear misuse of process of Court, she wants to quash the case.

3.Considering the submissions and on a perusal of records would reveal that the petitioner is an accused in C.C.No.57 of 2022, on the file of the Fast track court, Karaikudi. She is prosecuted for the offence under Section 138 of Negotiable Instruments Act, for the dishonour of cheque, which was issued by the petitioner on 15.09.2021. The cheque belongs to the account of the petitioner in Central Bank of India, Karaikudi. The cheque was returned on 05.03.2022 with an endorsement as 'insufficient fund'. Hence, the accused is prosecuted. The disputed cheque, dated 15.09.2021,



belongs to the petitioner's account but it is not disputed. However, the transactions between the complainant and the accused is disputed by the learned Counsel for the petitioner and also alleged that the disputed cheque was not handed over to the complainant. This fact has to be proved by laying evidence before the trial Court. Hence, at this stage, the criminal proceedings cannot be quashed. It needs evidences and the same has to be tested by cross-examination.

4. Therefore, it is not appropriate to quash the criminal proceedings before reaching trial. I find no merit in this petition. Hence, this criminal original petition stands dismissed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-II)

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/07/2022

Sub Assistant Registrar(CS)

Lr

TO

The Fast Track Court, Karaikudi.

Crl.O.P. (MD) No.11221 of 2022
24.06.2022

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