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CrI.O.P.No. 7412 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.11.2023

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CrI.O.P.No. 7412 of 2021

and

CrI.M.P.Nos. 4916 & 4917 of 2021

M.Sumathi

.... Petitioner

Vs

R.Jawahar

.... Respondent

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records pertaining to impugned private complaint in C.C.No.577 of 2012 pending on the file of the Fast Track Court, Judicial Magistrate, Mayiladuthurai and quash the same.

For Petitioner : Mr.S.Sundaresan

For Respondent : No appearance

ORDER

This Criminal Original Petition has been filed to quash the impugned private complaint in C.C.No.577 of 2012 pending on the file of the Fast Track Court, Judicial Magistrate, Mayiladuthurai.

2. The learned counsel appearing for the petitioner would



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submit that now the respondent died.

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3. A perusal of the records reveals that the deceased respondent filed a complaint for the offence under Section 138 of Negotiable Instruments Act as against the petitioner alleging that the respondent is working under the petitioner and while settling his salary arrears and provident fund, the petitioner issued a cheque to the tune of Rs.5,58,750/-. When the said cheque was presented for collection, the same has been returned with an endorsement “Insufficient Funds”. After causing statutory notice, the respondent filed a complaint.

4. The learned counsel appearing for the petitioner would submit that the petitioner is working as an Accountant in M/s.Global Innovators and she is not a proprietor of the said company.

5. A perusal of the cheque reveals that M/s.Global Innovators is a proprietor concern and the petitioner is only an authorised signatory of M/s.Global Innovators. That apart, already the trial has commenced and the respondent side evidence is over. At this stage, the quash petition cannot be considered on the ground raised by the



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petitioner. However, the petitioner can very well to raise the grounds before the Trial Court with sufficient evidence.

6. In view of the above, this Court is not inclined to quash the impugned private complaint in C.C.No.577 of 2012 pending on the file of the Fast Track Court, Judicial Magistrate, Mayiladuthurai. Accordingly, this Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petitions are closed.

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Internet: Yes
Index : Yes/No
Speaking/Non Speaking order
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To

The Judicial Magistrate,
Fast Track Court,
Mayiladuthurai.

G.K.ILANTHIRAIYAN. J.

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