



Crl.O.P.No.7176 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.03.2023

CORAM:

THE HONOURABLE MR. JUSTICE **SUNDER MOHAN**

Crl.O.P.No.7176 of 2023

and

Crl.M.P.Nos.4523 & 4524 of 2023

Saradha Sundaramurthy

...Petitioner / Accused

-Vs-

Ramakrishnan

... Respondent / Complainant

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for records relating to the proceedings in S.T.C.No.3961 of 2022 on the file of the Metropolitan Magistrate, Fast Track Court – III, Saidapet, Chennai and to quash the same.

For Petitioner

: Mr.V.Manickam



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ORDER

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This Criminal Original Petition has been filed seeking to quash the proceedings in S.T.C.No.3961 of 2022 on the file of the Metropolitan Magistrate, Fast Track Court – III, Saidapet, Chennai, filed for the alleged offence under Section 138 of the Negotiable Instruments Act.

2. It is alleged in the complaint that the petitioner/accused had issued five cheques towards the discharge of her liability to the complainant, and when the cheques were presented for collection, they were dishonoured with remarks 'other reasons'.

3. The learned counsel for the petitioner would submit that the cheques were issued from the account of the company by the name 'Fifth Field Realtors Private Limited', and the cheques were not the personal cheques of the petitioner. He would further submit that the impugned complaint has been filed without arraying the said company, and the impugned complaint only against the petitioner is unsustainable in law.

4. This Court is of the view that the question whether the company by the name 'Fifth Field Realtors Private Limited' or the petitioner issued the five cheques is a factual question and has to be determined only by



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the trial Court. Hence, this Court is not inclined to quash the proceedings in S.T.C.No.3961 of 2022 on the file of the Metropolitan Magistrate, Fast Track Court – III, Saidapet, Chennai. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected Crl.M.P.No.4523 of 2023 is closed. However, the petitioner is at liberty to raise all the contentions before the trial Court.

5. Since the petitioner is a lady, her personal appearance before the trial Court is dispensed with unless the learned Metropolitan Magistrate, Fast Track Court – III, Saidpet, Chennai, considers her appearance necessary for the progress of the trial. Accordingly, Crl.M.P.No.4524 of 2023 is ordered.

31.03.2023

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Internet: Yes

Index : Yes/No

Speaking order : Yes/No

Neutral Citation : Yes/No

To



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1.The Public Prosecutor,
High Court of Madras.

2.The Metropolitan Magistrate,
Fast Track Court – III,
Saidapet, Chennai.

SUNDER MOHAN,J.



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