



CrI.O.P.No. 20896 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.11.2023

CORAM:

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

CrI.O.P.No. 20896 of 2019

and

CrI.M.P.No.10777 of 2019

G.Yasmeen

..... Petitioner

Vs

M.Padmavathi

..... Respondent

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records in C.C.No.78 of 2018, pending on the file of the Judicial Magistrate No.II, Chengalpet and quash the same.

For Petitioner : Mr.Manicyavel

for Mr.P.Kumaresan

For Respondent : Mr.P.M.Bakthavatsalam

ORDER

This Criminal Original Petition has been filed to quash the proceedings in C.C.No.78 of 2018, pending on the file of the Judicial Magistrate No.II, Chengalpet.



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2. Heard the learned counsel appearing for the petitioner as well as the learned counsel appearing for the respondent and perused the materials available on record.

3. The petitioner is an accused in the complaint lodged by the respondent for the offence under Section 138 of Negotiable Instruments Act. The crux of the complaint is that the petitioner approached the respondent for financial help to meet out his urgent needs and family expenses and also to secure job. Considering the said request, the respondent had lent a sum of Rs.10 lakhs as loan. In order to repay the said amount, the petitioner issued a cheque for a sum of Rs.10 lakhs. When the cheque was presented for collection, the same was returned with an endorsement “Insufficient Funds”. Therefore, the respondent issued notice as contemplated under Section 138 of Negotiable Instruments Act. On receipt of the statutory notice dated 27.12.2017, part of the amount i.e., Rs.3,50,000/- was paid to the respondent by the petitioner. Thereafter, the petitioner, at the time of admission of this petition to quash proceedings, as directed by this Court, deposited a sum of Rs.6,50,000/- to the credit of C.C.No.78 of 2018 on the file of the Judicial Magistrate No.II, Chengalpattu, on 29.08.2019, which is lying in



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the account of the Trial Court. Therefore, the entire cheque amount of Rs.10 Lakhs had already been deposited before the Trial Court.

4. The learned counsel for the respondent also submitted that he has no objection to quash the proceedings.

5. In view of the above, the proceedings in C.C.No.78 of 2018 on the file of the Judicial Magistrate No.II, Chengalpattu, is hereby quashed. The respondent is permitted to withdraw the deposited amount of Rs.6,50,000/- by filing of appropriate application before the Trial Court. The Trial Court is directed to permit the respondent to withdraw the same, without ordering any notice to the petitioner.

6. In the result, this Criminal Original Petition stands allowed. Consequently, connected miscellaneous petition is closed.

10.11.2023

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

To

The Judicial Magistrate No.II,
Chengalpattu.



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G.K.ILANTHIRAIYAN. J.

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