



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2023

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.30989 of 2019

And

Crl.M.P.Nos. 16866 & 16865 of 2019

Mrs. Iqbal Banu

... Petitioner

Vs

Mr.Vinod

...Respondent

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., to quash the complaint in S.T.C.No. 622 of 2019 on the file of the Judicial Magistrate Court, Ranipet, Vellore.

For Petitioner : M/s. Sreenedhi
for M/s. G.Sridevi

For Respondent : Mr.Adithya Varadarajan
Mr.A.E.Ravichandran

ORDER

The petitioner seeks to quash a complaint in S.T.C.No. 622 of 2019 on the file of Judicial Magistrate Court, Ranipet, Vellore, under Section 138 of the Negotiable Instrument Act.



2. It is alleged in the complaint that the petitioner was due and payable to the complainant to a sum of Rs.8,20,000/- and towards discharge of the said loan, he had issued a cheque for Rs.8,00,000/-. When the said cheque was presented for collection, the same was dishonoured and inspite of the statutory notice, the petitioner did not make any payment.

3. The learned counsel for the petitioner would submit that there is no privity of contract between the petitioner and the respondent. The complaint is false and vexatious and hence, it is not maintainable.

4. This Court finds that the points raised by the petitioner are factual and can be adjudicated only in the trial proceedings. It is for the trial Court to examine whether there is any privity of contract or if there was any legal enforceable debt or liability. Hence, this Court is inclined to not entertain the quash petition.



5. Since the petitioner is a lady, her appearance before the trial Court is dispensed with unless the learned Magistrate deems her presence necessary for the progress of the case.

6. With the above observation, this Criminal Original Petition is dismissed. Consequently, CrI.M.P.No. 16866 of 2019 is allowed and CrI.M.P.No. 16865 of 2019 is dismissed.

16.03.2023

Index:Yes

vsg

Index: Yes/No

Speaking Order / Non-Speaking Order

Neutral Citation: Yes / No

To

Judicial Magistrate Court, Ranipet, Vellore.



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SUNDER MOHAN. J.

vsg

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And
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