



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2023

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.32847 of 2019

And

Crl.M.P.Nos. 18115 & 18116 of 2019

Janaki

... Petitioner /Sole Accused

Vs

Kothandaraman

... Respondent/complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records of the proceedings in C.C.No. 127 of 2019 on the file of Judicial Magistrate, Maduranthakam and quash the same.

For Petitioner : Mr. T.Balachandran

For Respondent : No appearance

ORDER

The petitioner seeks to quash the proceedings in C.C.No. 127 of 2019 on the file of the Judicial Magistrate, Maduranthakam, under Section 138 of the Negotiable Instrument Act.



2. It is alleged in the complaint that the petitioner has borrowed a sum of Rs. four lakhs from the respondent; that in discharge of the said loan, had issued a cheque for Rs. four lakhs; that the said cheque was presented for collection; that the same was returned for the reason 'funds insufficient'; and that inspite of the statutory notice, the petitioner did not make payment.

3. The learned counsel for the petitioner would submit that the cheque which is the subject matter of the complaint along with another cheque was signed and kept in her handbag which went missing. She had lodged a complaint on 14.01.2019 before the Inspector of Police, E-1 Mamallapuram Police Station. Subsequent to the said complaint, the Inspector of Police had issued a missing certificate on 30.01.2019. Hence, the learned counsel submitted that the impugned complaint by misuing the cheque is an abuse of process of law.

4. This Court finds that the points raised by the petitioner that a cheque which was kept in her handbag was taken away and misused by the complainant has to be adjudicated only during trial. Hence, this Court is not inclined to entertain this Petition. It is for the petitioner to establish her defence before the trial Court.



WEB COPY 5. With the above observation, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petitions are closed.

20.03.2023

vsg

Index: Yes/No

Speaking Order / Non-Speaking Order

Neutral Citation: Yes / No

To

Judicial Magistrate, Maduranthakam.



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SUNDER MOHAN. J.

vsg

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