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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2023

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.34554 of 2019

And

Crl.M.P.Nos. 19156 & 19157 of 2019

1. G.Kavitha

2. S.Jaya

3. G.Karpagam

... Petitioners /Accused 2 to 4

Vs

M/s. Sri Ajaenthaa Traders

Vallaikoil

Rep. by its Proprietrix Sathya

W/o. Balasubramani

Door No.389, DR Nagar, Muthur Road,

Vellaikovil 638 111, Kangayam Taluk,

Thiruppur District.

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records in STC No. 213 of 2019 on the file of the Judicial Magistrate Court, Kangakeyam and quash the same.

For Petitioners : Mr. B.Manoharan

For Respondent : Mr.K.Suresh

**ORDER**

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This Petition is to quash a private complaint under Section 138 of the Negotiable Instrument Act.

2. It is alleged in the complaint that the first accused firm had issued two cheques for Rs.12,00,000/- & Rs.10,00,000/- respectively, towards discharge of their liability to the complainant. The said cheques were presented for collection and the same were returned for the reason 'insufficient funds'. It is further alleged that in respect of statutory notice, the firm did not make payment and the petitioners are partners in the said firm.

3. The learned counsel for the petitioners would submit that the impugned complaint is an abuse of process. The petitioners had earlier given a complaint stating that the blank cheques were taken by one Nandakumar and the said cheques have been misused by the complainant. Hence, submitted that the impugned complaint has to be quashed.

4. As regards the submission that the cheque was misused by the



complainant, it is a factual dispute which has to be adjudicated only in the trial. It is open to the petitioners to raise all their contentions before the trial Court. Hence, This Court is not inclined to entertain the quash petition. However, since the petitioners are ladies, their appearance before the trial Court is dispensed with unless the trial Court deems their presence necessary for the progress of the trial Court.

5. The learned Magistrate is also directed to conduct the trial expeditiously and in any event to conclude the trial within a period of 6 months from the date of receipt of a copy of this order.

6. For all the above reasons, this Criminal Original Petition is dismissed. Consequently, connected Crl.M.P.No. 19157 of 2019 is allowed and Crl.M.P.No. 19156 of 2019 is closed.

21.03.2023

vsg

(2/2)

Index: Yes/No

Speaking Order / Non-Speaking Order

Neutral Citation: Yes / No



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4

SUNDER MOHAN. J.

vsg

To

Judicial Magistrate Court, Kangakeyam.

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(2/2)