



CrI.O.P.(MD)No.20409 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 13.09.2023

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

CrI.O.P.(MD)No.20409 of 2021

and

CrI.M.P.(MD)Nos.11625 and 11626 of 2021

Manokari, W/o.Shanmugamanikandan

... Petitioner

Vs.

C.Sekar

... Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code, to call for all the records relating to the private complaint in C.C.No.166 of 2021, on the file of the Judicial Magistrate Court, Veda sandur, Dindigul District and quash the same.

For Petitioner : Mr.C.T.Udayappan

For Respondent : No Appearance

ORDER

The petitioner, who is the accused in a private complaint in C.C.No. 166 of 2021, for the offence under Section 138 read with Section 142 of the



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Negotiable Instruments Act, 1881, before the Judicial Magistrate Court, Veda sandur, Dindigul District, has filed the Criminal Original Petition, seeking to quash the proceedings.

2. The primary contention of the learned counsel for the petitioner is that though the petitioner's name has been shown as second partner along with her husband Shanmuga Manikandan in the Partnership Deed, her name is included in the Partnership Deed for sentimental reasons and nothing more. The petitioner, who is a practicing Advocate, is working for the upliftment of the weaker sections of the Society. On going through the entire averments made in the complaint, there is nothing to suggest that the petitioner has involved in the business. Further, referring to the Partnership Deed as well as reply notice, the learned counsel for the petitioner submitted that the petitioner is not an active partner of the Partnership Firm, namely, Bhuvi Creations. The petitioner's husband, who is carrying on the business, had lost 20 cheque leaves, including the cheque in question from his vehicle. The respondent, who is in possession of the said cheque, lodged the false complaint against the petitioner.



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3. Considering the aforesaid submissions and on perusal of the materials, the petitioner is a Partner of Bhuvi Creations as could be seen from Partnership Deed, dated 15.05.2019. Further, in the disputed cheque, the petitioner has put her signature as partner of Bhuvi Creations. The contention of the learned counsel for the petitioner that the signature found in the disputed cheque is not that of the petitioner, has to be decided only during the trial and not before this Court by invoking the inherent jurisdiction under Section 482 Cr.P.C. Further, the points raised by the petitioner are factual in nature, which cannot be decided in a quash petition.

4. In view of the same, this Court finds no reason to entertain the present Criminal Original Petition and the same is liable to be dismissed. Accordingly, it is dismissed. Consequently, connected Miscellaneous Petitions are closed.

13.09.2023

Index : Yes/No

Internet: Yes/No

Neutral Citation: Yes/No

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To

The Judicial Magistrate, Veda sandur, Dindigul District.



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M.NIRMAL KUMAR, J.

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Order made in

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