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CrI.O.P. No.9493 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.08.2024

CORAM :
THE HON'BLE DR. JUSTICE G. JAYACHANDRAN

CrI.O.P. No.9493 of 2023 and CrI.M.P. No.6212 and 6213 of 2023

K. Geetha

Petitioner

vs.

M. Poongavanam

Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. seeking to call for the records in S.T.C. No.141 of 2022 on the file of the Fast Track Court at Magisterial Level, Tiruvallur District and quash the same.

For petitioner Mr. C. Iyyapparaj

For respondent Mr. A.R. Suresh

ORDER

This criminal original petition is filed to quash the private complaint filed under Section 138 of the Negotiable Instruments Act, 1881.

2. The petitioner claims that the cheque given as security for the loan availed by her husband has been misused by the respondent and presented without there being any legally enforceable debt on the part of the drawer. It is the further case of the petitioner that while the Negotiable Instruments Act contemplates summary trial of the complaint initiated under Section 138, the Magistrate has converted it to a summons trial without assigning any reason.

DR. G. JAYACHANDRAN, J.



cad

3. This Court finds that the grounds raised in this petition are not sustainable. The private complaint has been initiated before the Judicial Magistrate, Tiruvallur, since the respondent/complainant resides in Tiruvallur. The respondent/complainant being a resident within the jurisdiction of Judicial Magistrate Court, Tiruvallur, there is no illegality or irregularity in the Judicial Magistrate, Tiruvallur, taking cognizance of the respondent's complaint.

In view of the above, this criminal original petition is dismissed. However, in the event of the petitioner making an application seeking to dispense with her personal appearance, the same may be considered bearing in mind the fact that the petitioner is a woman. Connected Crl.M.Ps. stand closed.

09.08.2024

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To

1. The Fast Track Judge (Magisterial Level)
Tiruvallur District
- 2 The Public Prosecutor
High Court
Madras

Crl.O.P. No.9493 of 2023