



Crl.O.P.No.7959 of 2024 & Crl.M.P.Nos.5786 & 5787 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 02.04.2024

Coram:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.7959 of 2024
& Crl.M.P.Nos.5786 & 5787 of 2024

F.Josephine ... Petitioner/Accused

/versus/

L.Stella Irudayam ... Respondent/Complainant

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records in C.C.No.614 of 2017, on the file of Learned Judicial Magistrate-II, F.T.C, at Magisterial Level, Coimbatore and quash the same.

For Petitioner : Mr.W.Camyles Gandhi.

ORDER

This Criminal Original Petition is filed to call for the records in C.C.No.614 of 2017, on the file of Learned Judicial Magistrate-II, F.T.C, at Magisterial Level, Coimbatore.

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2. This petition is to quash the private complaint filed under Section 138 of N.I.Act.

3. The Learned Counsel for the petitioner/accused submit that the very allegation is that on 18.04.2016 the accused borrowed hand loan of Rs.11,26,500/- is factually incorrect. By projecting a falsehood criminal complaint, a case has been proceeded against the petitioner. The complaint was taken cognizance in the year 2016 before the Judicial Magistrate-II Coimbatore, later renumbered as C.C.No.614 of 2017. The status report indicates that the case stand posted for examination of defence witnesses. At this stage, the disputed question of facts cannot be looked into by the Court in exercise of power under Section 482 of Cr.P.C. Hence, it is open for the petitioner to raise all the points before the trial Court and seek remedy.

4. With the above observation, this Criminal Original Petition is disposed of. Consequently, connected Miscellaneous Petitions are closed.



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Index :Yes/No.

Internet :Yes/No.

Speaking Order/Non-Speaking Order
bsm

Copy to:-

1. The Judicial Magistrate-II, F.T.C, at Magisterial Level, Coimbatore.



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DR.G.JAYACHANDRAN, J.

bsm

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