



Crl.O.P.No.10935 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:03.06.2024

CORAM:

THE HONOURABLE DR JUSTICE G.JAYACHANDRAN

Crl.O.P.No.10935 of 2024

and

Crl.M.P.No.7485 of 2024

C.Anusuya

.. Petitioner

/versus/

A.Venkatachallapathi

.. Respondent

Prayer: Criminal Original Petition has been filed under Section 482 of Cr.P.C., to call for the records relating to C.C.No.87 of 2020 pending on the file of the learned District Munsif cum Judicial Magistrate, Vazhappadi, Salem District and quash the same.

For Petitioner

:Mr.L.Rajendran

ORDER

The petition has been filed to quash the private complaint initiated under Section 200 of Cr.P.C., for the offences under Sections 406 and 420 of IPC.



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2. According to the complaint, the petitioner herein borrowed a sum of Rs.6,00,000/- on 05.01.2018 and executed a pro-note to discharge the debt along with interest and gave a post-dated cheque for Rs.7,00,000/-. When the cheque was presented for collection, it was returned stating that 'no such account'. Therefore, alleging breach of trust and cheating, the private complaint filed and the same was taken on file by the Judicial Magistrate, Vazhapadi, Salem District in C.C.No.87 of 2020. The petitioner alleging that the signature found in the pro-note as well as the cheque is not made by her and there is no privity of contract between the complainant and herself. When the said plea was taken in her discharge petition, the trial Court had perused the complaint and the documents relied on by the complainant and has held that the prima facie case has been made out to proceed against the petitioner for the offences under Sections 406 and 420 of IPC. Being aggrieved, the present petition is filed and the same point has been canvassed in this quash petition.

3. This Court on perusing the documents finds that there is a pro-note, which alleged to have been executed by the petitioner in favour of the complainant for a sum of Rs.6,00,000/-. Two witnesses signed in



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the pro-note dated 03.01.2018. On 05.01.2019 the cheque drawn from the Lakshmi Vilas Bank Limited been issued in favour of the complainant. If the signatures found in the pro-note and the cheque are not made by the petitioner, it is for her to prove the same by subjecting those documents for handwriting expert opinion in the course of trial. The trial Court in the discharge petition has rightly considered these facts and dismissed. There cannot be any other view regarding *prima facie* material placed against the petitioner herein. Therefore, the petitioner is bound to face the trial and prove her innocence. Summarily, factual issues cannot be gone into under Section 482 of Cr.P.C. Hence, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petition is closed.

03.06.2024

Index:yes/no

Neutral Citation:yes/no

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To

The District Munsif cum Judicial Magistrate,
Vazhappadi, Salem District.



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DR.G.JAYACHANDRAN,J.

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