



Crl.O.P.No.15222 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Reserved on : 28.08.2024

Pronounced on: 03.09.2024

Coram:

THE HONOURABLE Dr. JUSTICE G.JAYACHANDRAN

Crl.O.P.No.15222 of 2024
& Crl.M.P.Nos.9294 & 9295 of 2024

P.Mangeswari.

.... Petitioner/Accused

/versus/

Sri Yoga Murugan Finance,
Rep. by its Managing Partner,
R.K.Selvarhajan, M/A56,
S/o.Karuppanna Gounder,
Having Office at No.53, Pravish Plaza,
Karur Bypass Road,
Moolapalayam, Erode – 638 002.

.... Respondent/Complainant

Prayer: Criminal Original Petition has been filed under Section 482 of Cr.P.C, to call for the records in S.T.C.No.58 of 2024 on the file of Judicial Magistrate (Fast Track Court No.II), Erode under Section 200 of Cr.P.C r/w 138 of Negotiable Instruments Act with regard to the petitioner and quash the complaint filed and pass orders.

For Petitioner : Mr.C.S.Saravanan

For Respondent : Mr.R.Prabakar

ORDER



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This Criminal Original Petition is filed by the petitioner in S.T.C.No.58 of 2024 on the file of Judicial Magistrate (Fast Track Court No.II), Erode for the offence under Section 138 of Negotiable Instruments Act.

2. The petitioner Mangeswari wife of Punithan is the accused in S.T.C.No.58 of 2024 on the file of Judicial Magistrate, FTC-II, Erode. A criminal complaint under Section 138 of N.I Act been filed against the petitioner by the Managing Partner of Sri Yoga Murugan Finance for offence under Section 138 of N.I Act. The subject matter of the complaint is cheque bearing No.234240 dated 07.08.2023 drawn on Axis Bank, Erode in favour of the complainant alleged to have been given to discharge her liability towards the borrowing.

3. The petitioner contends that she is an innocent and she has no money dealing with the complainant's firm. In fact, she and her husband borrowed money only from one A.Mohan and his wife Yesodha, who are the Former Partners of complainant's firm. Since, there is dispute between the partners of the complainant's firm, an unfilled cheque issued to one of the partner been misused.

4. On considering the submissions made by the Learned Counsel



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for the petitioner, this Court is of the view that the contention raised by the petitioner is a disputed fact which need to be tested in the trial. Hence, the petition to quash stands dismissed.

5. Accordingly, this ***Criminal Original Petition No.15222 of 2024*** is ***dismissed***. Consequently, connected Miscellaneous Petition No.9294 of 2024 is closed.

6. The Learned Counsel for the petitioner submits that the personal appearance of the petitioner may be dispensed. Considering the above submission and the nature of the case, this Court directs the trial Court to consider any application filed for dispense the personal appearance of the petitioner to consider positively and proceed. With this observation, this ***Criminal Miscellaneous Petition No.9295 of 2024 is disposed of.***

03.09.2024

Index :Yes/No.
Internet :Yes/No.
Speaking Order/Non-Speaking Order.
bsm



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DR.G.JAYACHANDRAN,J.

bsm

To:-

1. The Judicial Magistrate (Fast Track Court No.II), Erode.

Pre-delivery order made in
CrI.O.P.No.15222 of 2024

03.09.2024