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WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.03.2024

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CRL.OP No. 19709 of 2022
Crl.MP. Nos. 12959 & 12961 of 2022

1 ALAMELU

...Petitioner

Vs.

1 G.LOGANATHAN

...Respondent

PRAYER : This petition has been filed under Section 482 of Cr.P.C, to call for the records in CC No.96 of 2020 pending on the file of the Learned Judicial Magistrate Madukkarai Coimbatore and quash the same

For Petitioner : Mr.P.R.Ramesh Babu

For Respondent : Mr.R.Aranganathan



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ORDER

The petitioner herein filed this petition to call for the records in CC No.96 of 2020 pending on the file of the Learned Judicial Magistrate Madukkarai Coimbatore and quash the same.

2. Heard both sides.

3. The petitioner herein/A2 is wife of A1, against them respondent herein filed a private complaint under Section 138 of N.I Act and the same was taken on file in C.C No. 96 of 2020. Challenging the same, the petitioner/A2 filed this petition to quash the same. According to the petitioner she is the wife of Balamurugan/A1 apart from that she has not signed in cheque as alleged by the respondent. Hence, he prayed to quash the complaint.

4. The learned counsel for the respondent submits that the petitioner is joint account holder along with A1 so she is also liable for the cheque issued by his husband. Hence, the proceedings have been rightly initiated against the petitioner and his husband. He prays to dismiss this petition.

5. By way of reply the learned counsel for the petitioner submits that the petitioner is not a signed a cheque as a drawer of the cheque she cannot



be impleaded in the commission of such offence under Section 138 of N.I Act. Hence, he prays to quash the proceedings and also relied the judgement of this Court reported in 2011 SCC online Mad 162 in the case of Kannukiniyal Vs. Santhosimatha Finance.

6. Coming to the facts of the case, according to the reply given by the husband of the petitioner/A1 for the notice issued by the respondent, the respondent was the manager of the Sai Sruthi complex wherein near bout 30 tenants accommodated in the said commercial premises and the respondent was allowed to collect and run the premise on behalf of the land lord. Thereafter, the said complex was settled in favour of Manikandan but there was disputed arise between the respondent and the new land lord in respect of collection of rents. While collecting the rent she used to give the cheque and the same was manipulated by the respondent. Admittedly, the respondent is the manager of the premises and A1 was the tenant. Therefore, there is some dispute between the new land lord and the respondent in respect of collection of rent. Accordingly, A1 denied the issuance of the cheque in his reply notice. As per the facts it clearly reveals that there was some transaction between the respondent and A1 but not with A2 who is



wife of A1 therefore there is no *prime facie* material against the petitioner to show that she signed the cheque for legally enforceable debt. Hence, the proceedings in C.C No. 96 of 2020 hereby is quashed against this petitioner alone.

7. In the result, this petition is allowed. No costs. Consequentially connected miscellaneous petitions are closed.

25.03.2024

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To
The Public Prosecutor,
High Court, Madras.



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T.V.THAMILSELVI, J.

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