



Crl.O.P.No.24269 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:03.10.2024

Coram:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.24269 of 2024
and
M.P.Nos.13668 & 13669 of 2024

R.Sindhuja

.. Petitioner

/versus/

Mr.Govindaraj

.. Respondent

Criminal Original Petition has been filed under Section 428 of Cr.P.C/Section 528 of BNSS, to call for the entire records pertaining to C.C.No.3462 of 2024 pending on the file of XIX MM Court at Allikulam Chennai and quash the same.

For Petitioner :Mr.J.Muthuchelvi

ORDER

This petition has been filed to quash the private complaint initiated under Section 138 of Negotiable Instruments Act, 1881.



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2.The learned counsel appearing for the petitioner states that the complainant is an Auto Driver and the petitioner is one of his customer. The said cheque was lost in the Auto by the petitioner and that has been misused by the complainant. It is further averred by the learned counsel appearing for the petitioner that since the complainant misbehaved with the petitioner, while she was travelling in the auto, she had given a complaint to the police on 23.06.2023.

3. Being the fact, the complainant asked the petitioner to lend loan and the petitioner's mother transferred Rs.12,000/- to the complainant through on-line on 11.04.2023. The complaint which is empowered, indicates that the petitioner borrowed a sum of Rs.3,50,000/- by way of a loan agreement on 09.03.2024. The accused failed to pay the principal nor interest for a period of four months and when the complainant demanded to repay the money, the petitioner gave an evasive reply. At last she gave two cheques dated 29.09.2023 for Rs.2,50,000/- and cheque dated 04.10.2023 for Rs.1,63,000/-. Both the cheques on



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presentation bounced, since the petitioner has instructed the bank to stop payment.

4. A perusal of the records including CSR given by the respondent police, taking note of the allegation against the complainant, there is no indication that the cheque which is the subject matter of the complaint been stolen which taken away by the complainant subjectively. Contrarily, pro-note and the loan agreement executed by the petitioner and Rs.12,000/- transferred by the petitioner's mother to the account of the complainant showing there was a money transaction between the petitioner and the complainant. Since other facts which are canvassed before this Court are not factually in nature, the petitioner has to face trial and prove her innocence. Hence, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petitions are closed.

03.10.2024

Index:Yes/No
Internet:Yes/No
Neutral Citation:Yes/no
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To:

- 1.XIX MM Court at Allikulam Chennai.
- 2.The Public Prosecutor, High Court, Madras.



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Dr.G. JAYACHANDRAN,J.

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