



WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.03.2024

CORAM:

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

CRL.OP No. 26039 of 2022
and CrI.MP. Nos. 16069 & 16070 of 2022

1 BALAAMMAL

...Petitioner

Vs.

1 SENTHILKUMAR

...Respondent

PRAYER : This petition has been filed under Section 482 of Cr.P.C , to
call for the records in CC.No.108 of 2020 on the file of the Judicial
Magistrate Fast Court Kallakurichi and quash the same.

For Petitioner : Mr.A.Rajakumar
For R1 : R.Bharath Kumar

ORDER



The petitioner herein filed this petition to call for the records in CC.No.108 of 2020 on the file of the Judicial Magistrate Fast Court Kallakurichi and quash the same.

2. The case of the prosecution is that the petitioner borrowed a loan from the respondent to the tune of Rs.14,00,000/- for business purposes. Thereafter, he issued cheque toward the repayment of liability but the was returned as funds insufficient. Thereafter, the responded filed the private complaint in CC No. 108 of 2020 for the offence under Section 138 of Negotiable Instrument Act. Challenging the said proceedings the petitioner filed this petition to quash the proceedings.

3. The learned counsel for the petitioner submits that the petitioner is not a signatory to the alleged cheque. hence, the alleged proceedings against the petitioner is vexatious one. Hence, he prayed to allow this petition.

4. The learned counsel for the respondent submits that, A1 and A2 are mother and son who are joint account holder and get the loan for business purposes. Thereafter, the petitioner issue cheque since both are join account holder all are equally liable. Hence, he prays to dismiss this petition.

5. Considering the submissions on either side and also on perusal of records, it reveals that the both the petitioner and her son having joint account and cheque was issued in said joint account. If at all the petitioner is



not having any legally enforceable debt she is bound to prove the same before the Trial Court at this stage I am not inclined to allow this petition.

Liberty is granted to the petitioner to put forth her all defence before the trial Court. Considering the age of the petitioner, her appearance is ordered to be dispensed with.

6. In the result, this petition is dismissed. No Costs. Consequentially, connected miscellaneous petitions are closed.

22.03.2024

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To

1. The Public Prosecutor, High Court, Madras.
2. The Judicial Magistrate Fast Court Kallakurichi.

T.V.THAMILSELVI, J.

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