



CRL OP(MD). No.11926 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 23.02.2024

CORAM

The Hon`ble Mr.Justice M. DHANDAPANI

**CRL OP(MD) No.11926 of 2022 and
Crl.M.P.No.7531 of 2022**

Dhanalakshmi

... Petitioner

Vs

Palanisamy

... Respondent

PRAYER :- Criminal Original Petition filed under section 482 of Cr.P.C., to call for the records pertaining to the S.T.C. No.436 of 2019 on the file of the learned Judicial Magistrate No.I, Pudukkottai and quash the same as illegal, in so far as the petitioner is concerned.

For Petitioner : M/s. A. Arun Prasad

For Respondent : M/s. D. Rameshkumar

ORDER

This petition has been filed seeking to quash the case in S.T.C. No.436 of 2019 on the file of the learned Judicial Magistrate No.I, Pudukkottai.



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2. The case of the prosecution is that for the legally enforceable debt, the petitioner's husband said to have given cheque to the respondent. It is alleged that when it was presented, the same got dishonoured and hence, the complaint has been given followed by a notice. Hence, the proceedings came to be initiated, for quashing which, the petitioner is before this court.

3. The learned counsel for the petitioner would submit that the petitioner has nothing to do with the alleged and he has been falsely implicated. He would further submit that the petitioner's husband alone has issued the cheque in question and the account stands in both the petitioner as well as her husband as joint account, the cheque was signed and issued by the petitioner's husband, to which act, neither the petitioner was a party nor she has signed and issued the cheque in question. Hence, he would submit that the proceedings are liable to be quashed.

4. The learned counsel for the respondent would submit that there are materials available to proceed with the case as against the petitioner herein and at the threshold, the proceedings under Section 138 of the NI



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Act cannot be quashed and the charges against the petitioner has to be gone into only at the time of trial and hence, he prayed for dismissal of the petition.

5. This Court heard the learned counsel for the petitioner and the learned counsel for the respondent and perused the materials available on record.

6. It is the case of the respondent that the petitioner's husband has borrowed a sum of Rs.5 lakhs from the respondent, to which, cheque was also issued to the respondent. Though it is alleged by the respondent that the account is a joint account, the petitioner, who is a joint account holder, is to be held responsible for the legally enforceable debt, it is the case of the petitioner that the petitioner has neither issued the cheque in question to the respondent nor she is the signatory of the cheque. Even a bare perusal of the records would reveal that the instrument in question was signed and issued only by the husband of the petitioner. When that be so, implicating the petitioner is non-est in the eye of law. Hence, on this ground, the proceedings are liable to be quashed.



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7. Accordingly, the Criminal Original Petition is allowed and the proceedings in S.T.C. No.436 of 2019 on the file of the learned Judicial Magistrate No.I, Pudukkottai, insofar as the petitioner, is hereby quashed. Consequently connected Miscellaneous Petition is closed.

23.02.2024

NCC : Yes/No
Index : Yes/No

RR

TO

The Judicial Magistrate No.I,
Pudukkottai.



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M.DHANDAPANI. J

RR

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