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Crl.OP.No.29865 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.04.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.29865 of 2024
and
CRL.MP.Nos.16802 and 16804 of 2024

P.Kalpana

... Petitioner

Vs.

M.Kanagavelammal

... Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of BNSS/482 of the Code of Criminal Procedure, to call for the entire records in connection with the case in Private Complaint in C.C.No.188/2022 on the file of the Judicial Magistrate No.1 at Kanchipuram and quash the same.

For Petitioner : Ms.S.Deepika

For Respondent : Mr.V.Sairam



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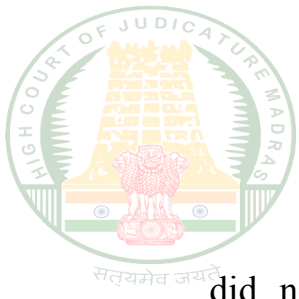
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ORDER

This petition has been filed to quash the proceedings in C.C.No.188 of 2022 on the file of the learned Judicial Magistrate-I, Kanchipuram, thereby taken cognizance for the offences under Sections 138 and 142 of Negotiable Instruments Act as against this petitioner.

2. The respondent filed a private complaint under Section 138 of the Negotiable Instruments Act, 1881, alleging that the respondent had entered into a joint venture agreement with the petitioner's husband in 2013 for the promotion of land owned by the respondent. However, the agreement was terminated due to certain misunderstandings. To settle the dispute, the petitioner issued cheques, which were presented for collection but returned dishonoured due to insufficient funds. After issuing a legal notice, the respondent filed the complaint and the same has been taken cognizance in CC No.188 of 2022, which is pending.

3. The learned counsel for the petitioner submits that the petitioner is not connected with the transaction between the respondent and the petitioner's husband. The petitioner never entered into the agreement and



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did not legally endorse the cheque. At some point, the respondent misused the petitioner's cheque and initiated proceedings. These are disputed questions of fact and cannot be adjudicated under Section 482 of the Criminal Procedure Code. The petitioner can present evidence before the trial court and cross-examine the respondent.

4. In view of the above, this Court finds no grounds to quash the proceedings in C.C.No.188 of 2022 on the file of the learned Judicial Magistrate-I, Kanchipuram. The petitioner is at liberty to raise all the grounds before the trial Court. Considering the age of the petitioner, the personal appearance of the petitioner is dispensed with and she shall be represented by a counsel after filing appropriate application. However, the petitioner shall be present before the Court at the time of furnishing of copies, framing charges, questioning under Section 351 of BNSS and at the time of passing judgment. The trial Court is directed to complete the trial within a period of six months from the date of receipt of copy of this Order.

5. Accordingly, this Criminal Original Petition stands dismissed.



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Consequently, connected miscellaneous petitions are closed.

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Vv

To

1. The Judicial Magistrate No.1
Kanchipuram.
- 2.The Public Prosecutor,
Madras High Court,
Chennai.

G.K.ILANTHIRAIYAN, J.



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