



Crl.O.P.(MD) No.22143 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 10.09.2025

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD) No.22143 of 2024

and

CrI.M.P.(MD) Nos.13730 & 13731 of 2024

Saharmal

... Petitioner

Vs.

A.N.Seenivasan

... Respondent

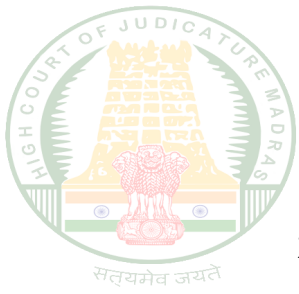
PRAYER : Criminal Original Petition filed under Section 528 of Bharathiya Nagarik Suraksha Sanhita, 2023 to call for the records in S.T.C.No.147 of 2024 on the file of the Fast Track Judicial Magistrate No.I, Madurai and quash the same as against the petitioner as illegal.

For Petitioner : Mr.N.Mohideen Basha

For Respondent : Mr.V.P.Rajan

ORDER

This Criminal Original Petition has been filed to quash the private complaint in S.T.C.No.147 of 2024 filed by the respondent under Section 138 of the Negotiable Instruments Act, 1881, on the file of the learned Judicial Magistrate No.I (Fast Track Court), Madurai.



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2. The allegation in the private complaint against the petitioner is that, towards discharge of the petitioner's liability for the purchase of jewels, the petitioner had issued a cheque for a sum of Rs.3,00,000/- in favour of the respondent; that when the said cheque was presented for collection, it was returned with the endorsement 'insufficient funds'; and that in spite of the statutory notice, the petitioner failed to make the payment.

3. The learned counsel for the petitioner would vehemently contend that the impugned prosecution is an abuse of process of law; that the respondent had already lodged a criminal complaint before the Inspector of Police, Elephant Gate Police Station, for the offence punishable under Section 420 of the Indian Penal Code, 1860, on 25.09.2021; that the petitioner and her son were arrested and remanded to judicial custody in the said case; that it is highly improbable that the petitioner would have issued a cheque in the year 2023 for a sum of Rs.3,00,000/-, when even according to the respondent, the petitioner had a liability of a sum of Rs.6,00,000/-; that the petitioner's bank manager had issued a letter to show that the cheque in question was actually issued in the year 2019; and that the same confirms the fact that the petitioner had only a transaction



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with a mediator and had given the said cheque to him as security, which has been misused by the respondent.

4. The learned counsel for the respondent, on the other hand, would submit that the signature on the cheque has not been disputed by the petitioner; that there is a presumption under Section 139 of the Negotiable Instruments Act, 1881; and that such presumption can be rebutted only during trial and prayed for dismissal of this quash petition.

5. The points raised by the petitioner in this Criminal Original Petition are factual in nature. Whether the cheque was issued in discharge of the petitioner's liability or whether the cheque, which is stated to have been issued in the year 2019 to another person, was misused by the respondent, are all questions that can be adjudicated only by the trial court. Therefore, granting liberty to the petitioner to raise all these grounds before the trial court, this Criminal Original Petition stands dismissed.

6. However, considering the age of the petitioner, this Court dispenses with her appearance before the trial court on all hearing dates,



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except when her appearance is required by the trial court for the progress of the trial. Consequently, the connected Miscellaneous Petitions are closed.

10.09.2025

JEN

Index: Yes/ No

Neutral Citation: Yes / No

Speaking Order/Non Speaking Order

Copy To:

The Judicial Magistrate No.I
(Fast Track Court),
Madurai.



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SUNDER MOHAN, J.

JEN

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