

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.07.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.OP No.16539 of 2015
& MP.Nos.1 and 2 of 2015

V.Kalaiselvan

.. Petitioner

Vs

Mr.Ammasi

..

Respondent

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records and quash the proceedings in S.T.C.No.111 of 2010 pending on the file of Judicial Magistrate No.II, Mettur.

For Petitioner :Mr.N.Ramamani

ORDER

Criminal Original Petition has been filed to call for the records and quash the proceedings in S.T.C.No.111 of 2010 pending on the file of Judicial Magistrate No.II, Mettur.

2.Heard the learned counsel for the petitioner.

3.It is seen that the complainant was working in BPO Centre, in which, it is alleged that the accused was a partner. Towards the salary dues of the complainant, the accused seems to have given his cheque dated 26.07.2010 for a sum of Rs.23,440/-, which, when presented was dis-honoured. The complainant issued a statutory notice under Section 138 of N.I. Act on 30.09.2010 and thereafter, when the accused did not make the payment. He has filed the present prosecution, which has been taken on file as STC No.111 of 2010, in which the accused is now seeking to quash the proceedings.

4.The learned counsel for the accused submitted that the complainant has not made the BPO Company as an accused. On a reading of the complaint, it is seen that the cheque was not issued by the BPO, but by the accused in his personal capacity. Hence, the BPO need not be implead as an accused. As regards the other contention that the statutory notice was not received, they are question of facts, which have to be considered only during the trial.

5.Hence, this petition is dismissed with liberty to the petitioner to raise all the points that have been before the Trial Court. Since this case is of the year 2010, the Trial Court is directed to complete the trial within a period of four months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petitions are also closed.

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s/d-
Assistant Registrar(CO)

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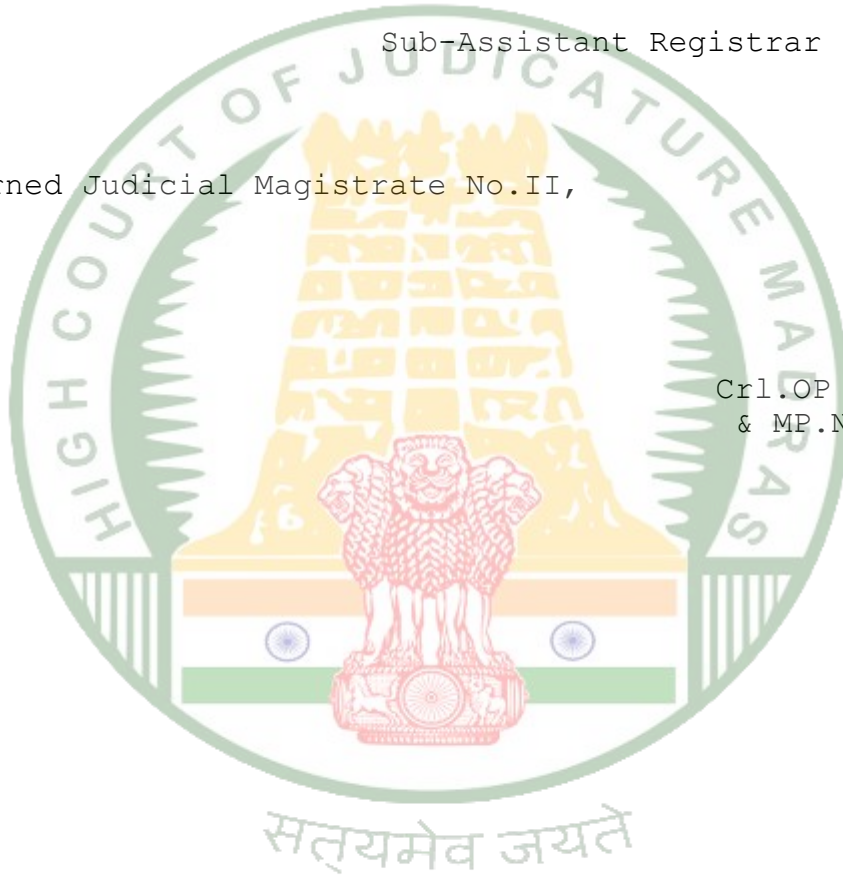
Sub-Assistant Registrar

To

1.The learned Judicial Magistrate No.II,
Mettur

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