

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.01.2015

CORAM

THE HON'BLE MR. JUSTICE R.S.RAMANATHAN

CrI.O.P.No.2065 of 2015
and
M.P.Nos.1 and 2 of 2015

1. The Managing Director,
M/s.Nathan's Foundations Pvt. Ltd.,
No.18, Arulambal Street,
T.Nagar, Chennai- 600 017.
rep. by K.V.Shankaralingam
 2. K.V.Shankaralingam ...Petitioners/Accused
- vs.
- Thiyagarajan ...Respondent/Complainant.

Criminal Original Petition filed under Section 482 of the Criminal Procedure Code to call for records pertaining to the case in C.C.No.216 of 2013, on the file of the Judicial Magistrate No.I, Coimbatore, which has been filed by the respondent and to quash the same.

For Petitioners : Mr.A.Vivekanandhan

O R D E R

The petitioners have filed this Petition seeking to quash the proceedings in C.C.No.216 of 2013, filed by the respondent on the file of the Judicial Magistrate No.I, Coimbatore.

2. It is submitted by the learned counsel for the petitioners that the petitioners have already given complaint in Cr.No.69 of 2012, on 31.07.2012, against i) P.S.Venkateswaran, ii) S.D.Thiyagarajan/respondent herein, iii) K.Ramesh, iv) R.Senthilkumar and v) K.K.Venkatachalapathy, stating in detail that they cheated the second petitioner by practising fraud on him, and on the basis of the complaint given by the second petitioner, case was registered against the abovesaid persons in Cr.No.69 of 2012 for offence under Sections 120(b), 468, 477 and 420 IPC. In the said complaint, the second petitioner has stated the manner, in which, the cheque was obtained from him, and having realized that criminal case has been registered against the aforesaid persons and they were arrested, criminal complaint was filed by one of the accused persons, by name S.D.Thiyagarajan, the respondent herein, and therefore, proceedings in C.C.No.216 of 2013, have to be quashed.

3. I am unable to accept the contentions of the learned counsel appearing for petitioners. It is seen from the compliant given by the respondent that on 10.11.2011, the petitioners/accused borrowed a sum of Rs.15,00,000/- and issued a cheque, dated 01.03.2012, bearing No.025761, for the said sum, on 25.02.2012. When the said cheque was presented for encashment, the same was returned with an endorsement "Payment Stopped by Drawer". Later, after issuing statutory notice, the respondent filed the complaint against the petitioners. It is not known whether the cheque was obtained by the respondent, in the manner, as alleged by the petitioners, and whether the cheque was given by the petitioners, as alleged in the complaint. All these aspects can be gone into only during trial of the case in C.C.No.216 of 2013. Merely because, on the basis of the registration of First Information Register against the respondent herein, the proceedings in C.C.No.216 of 2013, cannot be quashed.

4. In the result, the Criminal Original Petition is dismissed. Consequently, connected M.Ps are closed.

-s/d-
Deputy Registrar(J)
Dt:16/2/2015

True Copy

Sub-Assistant Registrar

To

1. The Judicial Magistrate No.I, Coimbatore.

2. -do- thro' The Chief Judicial Magistrate, Coimbatore.

+ 1 cc to Mr.Vivekanandhan, Advocate SR 4868

bvr(co)
prk24/2

CrI.O.P.No.2065 of 2015

WEB COPY