

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 18.03.2015

CORAM

THE HONOURABLE MR.JUSTICE R.S.RAMANATHAN

Crl.O.P.Nos.5943 and 5798 of 2010
and M.P.Nos.1 and 1 of 2010

1.P.Shanthi
2.K.Chinnasamy
3.P.Vetrivel
4.R.Shanmugaselvan
5.C.Shanmugam
6.S.Ramaprabhu

... Petitioners in
both the Crl.O.Ps'

vs.

M/s.Classic Dyes & Chemicals
Rep. By its Manager and Power Holder
Mr.K.Venugopal

... Respondent in
Crl.O.P.No.5943/2010

M/s.Chemistar Intermediates Private Limited
Rep. By its Manager and Power Holder
Mr.K.Venugopal

... Respondent in
Crl.O.p.No.5798/2010

Criminal Original Petitions filed under section 482 of Criminal Procedure Code praying to call for the records relating to S.T.C.Nos.4081 and 4032 of 2006 on the file of Judicial Magistrate I, Tirupur and quash the same.

For Petitioners: Mr.C.S.Saravanan

For Respondent : No Appearance
(In both Crl.O.Ps')

COMMON ORDER

These petitions are filed to quash the proceedings in S.T.C.Nos.4081 and 4032 of 2006 on the file of the learned Judicial Magistrate I, Tirupur in so far as the petitioners are concerned.

2. The petitioners are A5, A8 to A10, A6 and A7 respectively in S.T.C.Nos.4081 and 4032 of 2006. The respondents filed private complaints under Section 138 of the Negotiable

Instruments Act against the petitioners and others stating that the petitioners are the Directors of the 1st accused company and the 2nd accused is the Managing Director. Cheques were issued by the 3rd accused on behalf of the 1st accused company and the cheques were dishonored and therefore, the complaints were launched after issuing statutory notice.

3. The learned counsel for the petitioners submitted that in respect of A4, this Court by order dated 02.11.2009 in CrI.O.P.Nos.16523 and 16524 of 2009 quashed the complaint. He therefore, submitted that the petitioners also stand in the same footing of A4 and therefore, the cases against the petitioners may be quashed.

4. Though the respondents are represented their counsel and their names are also printed in the cause list, there is no representation on behalf of the respondents.

5. It is seen from the complaint given by the respondent that the accused Nos.3 and 4 are the Directors of the 1st accused company and they are aware of the day to day affairs of the company. Except the said allegation, there is no averment made in the complaints to the effect that the petitioners are incharge or responsible for the day to day affairs of the company, which is a necessary ingredient to prosecute the Directors under Section 141 of the Negotiable Instruments Act.

6. As the essential ingredient to prosecute the Directors is absent in their complaint, following the judgment rendered in CrI.O.P.Nos.16523 and 16524 of 2009, these criminal original petitions are allowed. The proceedings in S.T.C.Nos.4081 and 4032 of 2006 on the file of the learned Judicial Magistrate I, Tirupur shall stand quashed insofar as the petitioners are concerned. Consequently, connected miscellaneous petitions are closed.

vsm

-s/d-
Assistant Registrar(J)
Dt:30/3/2015

True Copy

Sub-Assistant Registrar

To

1.The Judicial Magistrate I, Tirupur.

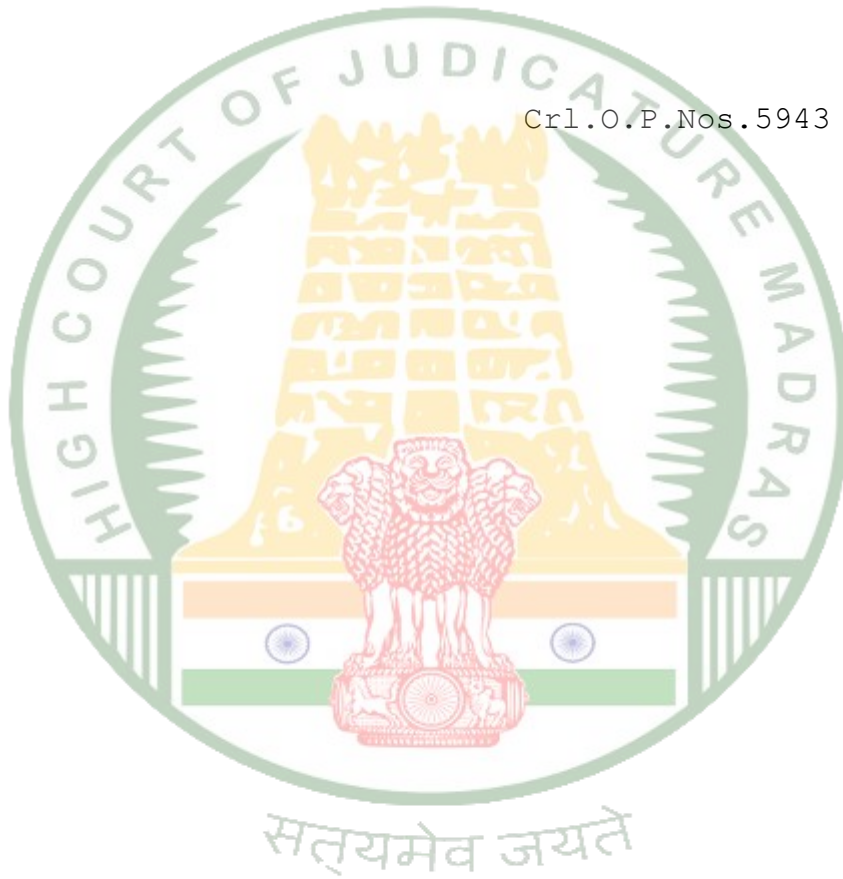
2.-do- thro' The Chief Judicial Magistrate,
Coimbatore.

copy to:

The Section Officer,
Criminal Section,
High Court, Madras.

kgk(co)
prk31/3

Crl.O.P.Nos.5943 and 5798 of 2010



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