

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.06.2015

Coram

THE HONOURABLE MR. JUSTICE R.S.RAMANATHAN

CrI.O.P.No.12516 of 2013

and

M.P.No.1 of 2013

1.M/s Glass King,
Rep.by its Managing Partner T.Sridhar Nair,
Anand Building 1st Floor,
17/1646A, Pavamani Road,
Calicut, Kerala.

2.T.Sridhar Nair,
Managing Partner-M/s Glass King,
Anand Building 1st Floor,
17/1646A, Pavamani Road,
Calicut, Kerala.

..Petitioners

/vs/

M/s Asahi India Glass Limited
Rep.by its Executive Officer(F&A)
Mr.N.Ranganathan,
2C Ruby Regency, 1st Floor,
No.69, Anna Salai, Dinrose Estate,
Chennai 600 002.

..Respondent

Prayer:

Criminal Original Petition filed under Section 482 of Criminal Procedure Code praying to call for the records relating to the C.C.No.6562 of 2008 on the file of the VII Metropolitan Magistrate, George Town, Chennai and quash the same.

For Petitioners : Mr.C.Rajan
For Respondent : Mr.A.Tamilvanan

ORDER

The accused in C.C.No.6562 of 2008 on the file of the VII Metropolitan Magistrate, George Town, Chennai are the petitioners. The respondent filed the above complaint against the accused and the petition is filed to quash the same.

2.It is submitted by the learned counsel for the petitioner that the cheque was issued by the partnership firm viz., M/s Glass King and intimation was given to the complainant that the partnership firm has become a proprietary concern and in respect of one cheque issued by the partnership firm, the respondent issued statutory notice to the proprietary concern and therefore, the respondent was fully aware of the fact that the partnership firm has become a proprietary concern, nevertheless notice was issued to the partnership firm and the partner and therefore, there was no proper notice to the proper person and hence, the complaint is liable to be quashed.

3.I am unable to accept the contention of the learned counsel for the petitioners. Admittedly, the cheque was issued by the partnership firm viz., M/s Glass King and statutory notice was also issued to the partnership firm as well as the partner. Therefore, notice was properly issued to the drawer of the cheque. Even assuming that the respondent informed the petitioners that the partnership firm has become a proprietary concern as per the law, notice can be given only to the drawer of the cheque, which is partnership firm and the prosecution was also launched against the partnership firm and its partner. Hence, I do not find any reason to quash the complaint and hence, the same is liable to be dismissed.

4.Accordingly, the criminal original petition is dismissed. However, the learned VII Metropolitan Magistrate, George Town, Chennai is directed to dispose of the case in C.C.No.6562 of 2008 within a period of four months from today. Consequently, the connected Miscellaneous Petition is also closed.

Sd/-

Assistant Registrar

True Copy

Sub Assistant Registrar

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To

1.The VII Metropolitan Magistrate,
George Town,
Chennai.

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

1 cc to Mr..C.Rajan , Advocate Sr.No.27961/11

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sv(Ico)

pmk.23.6.2015