

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.06.2015

CORAM

The Hon'ble Mr. Justice R.S.Ramanathan

Crl.O.P.No.18572 of 2010
and
M.P.No.1 of 2010

1. Sheeja
Proprietrix
Sreenivas Enterprises
Mukkampala Moodu, Payadu,
Thiruvananthapuram District, Kerala.
 2. P.Subhash Chandran
Power Agent of Sheeja Srinivas
- ...Petitioners

vs.

M/s.Saravana Perumal Agencies,
rep. by its Manager/Power Agent,
Mr.Karthick.

...Respondent

Criminal Original Petition filed under Section 482 of the Criminal Procedure Code to call for records relating to the case in C.C.No.104 of 2009, on the file of the Judicial Magistrate No.II, Coimbatore, and to quash the same.

For Petitioners : Mr..S.Gunalan

O R D E R

The accused in C.C.No.104 of 2009, on the file of the Judicial Magistrate No.II, Coimbatore, are petitioners herein.

2. The learned counsel appearing for petitioners submitted that, complaint was filed by the respondent through his Power Agent, and no Power of Attorney was produced before the Court below. The learned counsel further submitted that the transaction between petitioners and the respondent was over even during the year 2001, and therefore, there was no liability payable in the year 2009, and the cheque could not have been issued for any legal enforceable liability, and on this ground, the petitioners seek for quashing the complaint filed against them.

3. I am unable to accept the contentions of the learned counsel appearing for petitioners. According to me, all these allegations

have to be proved only during trial, and these allegations cannot be considered while entertaining the Petition under Section 482 Cr.P.C.

4. Hence, the Criminal Original Petition is dismissed with liberty to the petitioners to raise all defences that are raised herein before the Trial Court. The Trial Court is directed to dispose of the case in C.C.No.104 of 2009, within a period of four months from the date of receipt of a copy of this order. Consequently, connected M.P. is closed.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

To

1.The Judicial Magistrate No.II, Coimbatore.

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

Rj (co)
krd 14/7

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