

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.02.2016

CORAM :

THE HONOURABLE MS. JUSTICE R.MALA

Crl.O.P.No.5073 of 2014 &
M.P.Nos.1 and 2 of 2014

P.Murugesan, S/o.M.G.Ponnusamy,
Aged about 45 years,
Authorized Signatory,
M/s.Sri Balaji Dhall Mill,
No.6/4, G.A.Road, Second Floor,
Old Washermenpet,
Chennai - 600 021. Petitioner (2nd Accused)

Vs

Mr.C.Thirugnanan, aged about 58 years,
S/o, late C.T.Chidambaram
Prop.: M/s.Thirupugal Nadar & Sons,
Represented by his Power Agent,
Mr.C.T.Chitharanjan, aged about 29 years,
At No.162, (old No.129),
G.a.Road, Old Washermenpet,
Chennai - 600 021. Respondent (Complainant)

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the entire records pertaining to proceedings in C.C.No.2488 of 2013 pending on the file of the Fast Track - IV Metropolitan Magistrate, G.T. Chennai and quash the same against the petitioner.

For Petitioner : Ms.G.Dhanalakshmi

For Respondent : Mr.R.C.Manoharan

O R D E R

This petition has been filed to call for records pertaining to C.C.No.2488 of 2013 on the file of the Fast Track IV Metropolitan Magistrate, Chennai and quash the same as against the petitioner.

2. The petitioner has filed the petition for quashing the proceedings in C.C.No.2488 of 2013 stating that he is not the proprietor of M/s.Balaji Dhall Mill and hence no liability has been fastened against him under section 138 of Negotiable Instruments Act. Hence he has come forward with this petition for quashing the proceedings against the petitioner.

3. Resisting the same, the learned counsel for the respondent would submit that though he is not the proprietor of the concern, he is taking part in the business and he is also liable for criminal prosecution under section 138 of the Negotiable Instruments Act and prayed for dismissal of the petition.

4. Considering the rival submissions made on both sides, the petitioner is neither the proprietor of M/s.Sri Balaji Dhall Mill nor signatory of the cheque. Hence he is not liable for prosecution. No criminal liability has been fastened against the petitioner. Merely because he is the husband of the proprietrix, he is not liable for prosecution. Hence it is a fit case for quashing the proceedings against the petitioner in C.C.No.2488 of 2013 on the file of the Fast Track No.IV Metropolitan Magistrate, George Town, Chennai.

5. Hence, this Criminal Original Petition is allowed and the proceedings in C.C.No.2488 of 2013 on the file of the Fast Track No.IV Metropolitan Magistrate, George Town, Chennai, against this petitioner, who is arrayed as first accused, is hereby quashed. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Asst.Registrar

/true copy/
सत्यमेव जयते

Sub Asst. Registrar

vrc

To

The Fast Track No.IV Metropolitan Magistrate,
George Town, Chennai.

1 cc to M/s.G.S. Dhanalakshmi, Advocate, Sr. 9479

2 ccs to Mr.R.C. Manoharan, Advocate, Sr. 9207

Cr1.O.P.No.5073 of 2014

SV (CO)
kk 25/2