

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :06.04.2017

CORAM

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

Cr1.O.P No.15604 of 2011

S.Shanmugam

... Petitioner/Accused 4

vs.

T.Dhandapani

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records relating to the S.T.C.No.1020 of 2010 on the file of the Judicial Magistrate No.I, Erode, quash the same by allowing this Criminal Original Petition.

For Petitioner :M/s.R.Marudhachalamurthy
For Respondents :No Appearance

ORDER

This Criminal Original Petition is filed by the petitioner to call for the records relating to the case in S.T.C.No.1020 of 2010 on the file of the Judicial Magistrate No.I, Erode and quash the same.

2.Heard Mr.R.Marudhachalamurthy, learned counsel appearing for the petitioner and perused the materials available on record.

3.The learned counsel appearing for the petitioner submitted that since the case in S.T.C.No.1020 of 2010 was filed on the file of the Judicial Magistrate No.I, Erode, the petitioner was relieved from the partnership firm on 14.07.2007. The alleged cheque was issued only on 10.06.2010 for a sum of Rs.1,25,000/- after three years of relieving from the partnership. Apart from this, notice was issued by the respondent/defacto complainants, wherein, it is stated that the petitioner/A4 along with other accused 2 and 3 were actively participating in the day to day business affairs of the 1st accused company. Further, the complainant submits that for the welfare of the 1st accused company, the accused 2 to 4 have borrowed a sum of Rs.1,25,000/- from the defacto complainant. Therefore, the petitioner being

one of the partner of the first accused company is liable to pay the cheque amount.

4. As per the document namely, Form A Register of Firms, which was maintained under Section 59 of the Indian Partnership Act, 1932 produced by the petitioner, it shows that the petitioner, who is arrayed as accused No.4, was ceased on 14.07.2007 vide notice filed on 30.05.2008 and the other three partners, who are arrayed as accused 1,2,3 in the said company.

5. With the above observations, the Criminal Original Petition is allowed and the case in S.T.C.No.1020 of 2010, on the file of the Judicial Magistrate No.I, Erode, is quashed in respect of this petitioner/A4. Consequently M.P.1 of 2011 is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

The Judicial Magistrate No.I,
Erode.

+lcc to Mr.Guruprasad, Advocate, S.R.No.21198

Cr1.O.P.No.15604 of 2011

VS (CO)
RS (25/04/2017)

सत्यमेव जयते

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