

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.03.2017

CORAM :

THE HONOURABLE MR. JUSTICE M.SUNDAR

Crl.O.P.Nos.21578 and 21579 of 2011  
and M.P.Nos.1, 1 and 2 of 2011

1. Mrs.V.Rajitha, (A-3),  
W/o.Mr.Vinnamala Chandrasekar Reddy
2. Mr.V.Girishkumar, (A-4),  
S/o.Mr.Vinnamala Chandrasekar Reddy  
... Petitioners/A-3 & A-4  
in both Crl.O.Ps'

Vs.

M/s.The Waterbase Limited,  
No.22, Sadasivam Street,  
Gopalapuram, Chennai - 86,  
Represented by Authorised Signatory,  
R.ChandraMohan

... Respondent/Complainant in  
both Crl.O.Ps'

Criminal Original Petitions filed under Section 482 of Cr.P.C., to call for the records and quash the proceedings in respect of the petitioners above said in C.C.Nos.2022 and 2023/2011 pending before the XVIII Metropolitan Magistrate Court, Saidapet, Chennai.

For Petitioners : Mr.R.Chandran,

For Respondent : Mr.S.A.Rajan  
(In both Crl.O.Ps')

COMMON ORDER

These petitions have been filed under Section 482 of Criminal Procedure Code with prayers to quash C.C.Nos.2022 and 2023 of 2011 both on the file of XVIII Metropolitan Magistrate's Court, Saidapet, Chennai.

2. Criminal complaints have been filed interalia under Section 138 of the Negotiable Instrument Act (NI Act for brevity).

3. It is the primary contention of the petitioners herein that the two petitioners herein, who are accused Nos.3 and 4 respectively in the criminal complaints in the trial Court, are not signatories to the cheque. It is the further contention of the petitioners that they are not incharge of and responsible to the day to day affairs of the partnership firm, which has issued the cheque.

4. Mr.S.A.Rajan, Learned Counsel appearing for the respondent company, which is the complainant before the trial Court, very fairly states that the complaints can not proceed against A3 and A4 (petitioners herein) as they are not signatories to the cheque.

5. Recording such submissions, the following order is passed.

(a) Criminal complaint bearing C.C.Nos.2022 and 2023 of 2011 on the file of the XVIII Metropolitan Magistrate Court, Saidapet, Chennai, would stand quashed as against A3 and A4 alone.

(b) The complaints against the other accused will proceed uninfluenced and untrammelled by any observation made in this order.

6. It is seen from the records that the criminal complaints are of the year 2011. It is more than six years now. Both the learned Counsel make a joint request that there may be a direction to the trial court to dispose of the matter as expeditiously as possible. The request is acceded to. The learned Magistrate viz., the learned XVIII Metropolitan Magistrate, Saidapet, Chennai, on whose file C.C.Nos. 2022 and 2023 of 2011 are pending, is directed to proceed with the complaints on a day today basis and dispose of the same as expeditiously as possible, in any event, within six months from the date of receipt of a copy of this order.

7. On the above terms, both the criminal original petitions are allowed and the complaints in C.C.Nos.2022 and 2023 of 2011 are quashed as against the accused Nos.3 and 4 (petitioners herein) above. Consequently, connected miscellaneous petitions are closed.

Sd/-  
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

To

The XVIII Metropolitan Magistrate,  
Saidapet, Chennai.

+2cc to M/S.G.Sridevi, Advocate Sr.15517

Crl.O.P.Nos.21578 & 21579 of 2011

rr[co]  
srg 28/03/2017



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