

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.03.2017

CORAM:

THE HON'BLE MR.JUSTICE C.T. SELVAM

CrI.O.P.No.7005 of 2012

and

M.P.Nos.1 and 2 of 2012

1.M/s.Clover Soft Solutions Pvt. Ltd.
represented by its Managing Director,
V.Ananthi

2.V.Ananthi
W/o.S.Sivaraj

3.V.Sasikala
W/o.Varadarajan

4.S.Sivaraj

..Petitioners

Vs.

C.Raghavan
S/o.Chinnapillai

.. Respondent

Criminal Original Petition filed under Section 482 of the Criminal Procedure Code praying to call for records in C.C.No.3459 of 2009 on the file of learned V Metropolitan Magistrate, Egmore and quash the same.

For Petitioners : No appearance

For Respondent : Mr.S.Saravana Kumar

ORDER

Petitioners seek quash of proceedings in C.C.No.3459 of 2009 on the file of learned V Metropolitan Magistrate, Egmore.

2. There is no representation for petitioners. Heard learned counsel for respondent.

3. The case is one alleging offence u/s.138 of the Negotiable Instruments Act. On reading the complaint, this Court finds that the first accused is a company and the necessary averment regards petitioners 2 and 3/Directors of the Company, that they were in charge of and responsible for the Company in the conduct of its affairs, is not to be found therein. Given such position, the complaint against petitioners 2 and 3 will not survive. It is brought to notice that fourth petitioner is the signatory of the cheque giving rise to the action.

The Criminal Original Petition is partly allowed. The proceedings in C.C.No.3459 of 2009 on the file of learned V Metropolitan Magistrate, Egmore,

is quashed insofar as petitioners 2 and 3 are concerned. Court below shall now proceed against petitioners 1 and 4 and dispose of the case within a period of three months from the date of receipt of this order. Connected miscellaneous petitions are closed.

24.03.2017

Index:yes/no
Internet:yes/no
gm

To

The V Metropolitan Magistrate,
Egmore.

C.T.SELVAM, J

gm

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