

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.04.2017

CORAM:

THE HONOURABLE MR.JUSTICE C.T.SELVAM

CRL.O.P.No.7592 of 2012

and

M.P.No.1 of 2015

1. G. Ganesh
2. Perumal Raj @ R.K.Perumalraju ... Petitioners/Accused 3,4

Vs.

- 1.K.C.Madeshwaran
- 2.Bharani Processing Mills,
Rep. By its Managing Partner,
R.K.Gopal @ Gopal Raju
3. R.K.Gopal Raj @ Gopal Raju
.. Respondents/Complainant/Accused 1,2

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for the records on the file of the learned Judicial Magistrate, Erode in STC. No.474/2011 and quash the same.

For Petitioners : Mr.V.Raghavachari

For Respondents : No appearance

ORDER

Criminal Original Petition has been filed to call for the records on the file of the learned Judicial Magistrate, Erode in STC No.474/2011 and quash the same.

2. Heard learned counsel for the petitioners.

3. Though Respondents have been served, there is no appearance.

4. Case in STC.No.474/2011 is an action complaining of offence under Section 138 of Negotiable Instruments Act.

5. The first accused is a partnership firm, while the second accused is the signatory of the cheque. The petitioners before us are accused Nos. 3 and 4 and have been arrayed as accused on the allegation that they are the partners of the

first accused and are taking active part in the day-to-day business affairs of the first accused firm.

6. Learned counsel for the petitioners produced Form A maintained by the Registrar of Firms, of the first accused firm dated 04.04.2016 which reflects the position that the petitioners have not been partners of the first accused firm.

7. The contention of the petitioners of their not having anything to do with the affairs of the first accused firm is supported by the said document, one of sterling quality. Accordingly the case in STC.No.474/2011 on the file of the learned Judicial Magistrate, Erode, shall stand quashed in so far as the petitioners are concerned.

In the result, the Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

To

The learned Judicial Magistrate,
Erode.

+1cc to M/s.V.Raghavachari, Advocate in sr.no.22936

CRL.O.P.No.7592 of 2012
and
M.P.No.1 of 2015

SS(CO)
NR 21/06/2017

सत्यमेव जयते

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