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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.06.2017

CORAM :

THE HONOURABLE Dr.JUSTICE S.VIMALA

Criminal Original Petition Nos.447 to 450 of 2011
and M.P.Nos.1 and 2 of 2011

1.V.Rajitha (A3)
2. V.Girishkumar (A4) ... Petitioners in all the Crl.O.Ps.

Vs.

M/s. The Waterbase Limited,
No.22, Sadasivam Street,
Gopalpuram, Chennai-86
Rep. by Authorised Signatory
R.Chandramohan. ... Respondent in all the Crl.O.Ps.

Prayer : Criminal Original Petitions filed under Section 482 of the Criminal Procedure Code, to quash the complaints in respect of the petitioners in C.C.Nos.9328, 9327, 9779 and 9780 of 2010, respectively, pending before the XVIII Metropolitan Magistrate Court, Saidapet, Chennai.

For Petitioners
in all Crl.O.Ps. : M/s. G. Sridevi Chandran

For Respondent
in all Cr.O.Ps. : Mr. S.A.Rajan

C O M M O N O R D E R

These Criminal Original Petitions have been filed under section 482 of Criminal Procedure Code with a prayer to quash the complaints in respect of the petitioners / A-3 and A-4, in C.C.Nos.9328, 9327, 9779 and 9780 of 2010, respectively, pending before the XVIII Metropolitan Magistrate Court, Saidapet, Chennai.

2.Criminal complaints have been filed inter alia under section 138 of Negotiable Instrument Act (NI Act) for brevity).

3.It is the primary contention of the petitioners herein, who are accused Nos.3 & 4 respectively, in the criminal



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complaints, before the trial Court, that they are not signatories to the cheques. It is the further contention of the petitioners that they are not incharge of and responsible for the day-to-day affairs of the partnership firm, which has issued the cheques.

4.Mr. S.A.Rajan, learned Counsel appearing for the respondent company, (in all the petitions) which is the complainant before the trial Court, very fairly states that the complaints cannot be proceeded against A3 and A4 (petitioners herein) as they are not signatories to the cheques.

5. In view of the above said submissions, the following order is passed:

(a) Criminal complaint bearing in C.C.Nos.9328, 9327, 9779 and 9780 of 2010, respectively, pending before the XVIII Metropolitan Magistrate Court, Saidapet, Chennai, stands quashed as against the petitioners herein / A3 and A4 alone.

(b) The Trial Court shall proceed with the complaints against the other accused uninfluenced and untrammelled by any of the observations made in this order.

6.It is seen from the records that the criminal complaints are of the year 2010. It is more than seven 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.

7.The said request is acceded to. The learned Magistrate viz., the learned XVIII Metropolitan Magistrate, Saidapet, Chennai, on whose file C.C.Nos.9328, 9327, 9779 and 9780 of 2010 are pending, is directed to proceed with the complaints on day-to-day basis and dispose of the same, as expeditiously as possible, in any event, preferably within a period of six months from the date of receipt of a copy of this order.

8.On the above terms, all the Criminal Original Petitions are allowed, as observed in paragraph 5 (a) supra. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

msm/kv



To

The XVIII Metropolitan Magistrate,
Saidapet, Chennai.

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+1cc to M/s. G. Sridevi Chandran, Advocate, S.R.No.40701

Crl.O.P.Nos.447 to 450 of 2011
and M.P.Nos.1 and 2 of 2011

CS/29/01/18