

IN THE HIGH COURT OF JUDICATURE AT MADRAS
Dated : 21.03.2017

CORAM
THE HON'BLE MR. JUSTICE M.V.MURALIDARAN

CRL.O.P.Nos.21911 to 21918 of 2010
and
M.P.Nos.1 to 1 & 2 to 2 of 2010 (16 Mps)

M.Sivagami Ammal

.. Petitioner in all WP's

Vs

Shiva Texyarn Limited
(formerly known as Annamalai
Finance Limited)
rep. By its Officer-Legal, S.S.Suresh
No.252, Mettupalayam Road
Coimbatore - 641 043.

.. Respondent in all WP's

COMMON PRAYER: Petitions filed under Section 482 of the Code of Criminal Procedure to quash the proceedings pertaining to C.C.No.527 of 2003, S.T.C.No.2485 of 2003, C.C.No.1913 of 2004, C.C.No.454 of 2003, S.T.C.No.2275 of 2003, S.T.C.No.2369 of 2004, S.T.C.No.3004 of 2004 and S.T.C.No.668 of 2008 on the file of the learned Judicial Magistrate VII, Coimbatore.

For Petitioner : Mr.V.Sai Ram

For Respondent : Mr.N.Manokaran

ORDER

The petitioner has filed these original petitions under Section 482 of the Criminal Procedure Code to quash the proceedings pertaining to C.C.No.527 of 2003, S.T.C.No.2485 of 2003, C.C.No.1913 of 2004, C.C.No.454 of 2003, S.T.C.No.2275 of 2003, S.T.C.No.2369 of 2004, S.T.C.No.3004 of 2004 and S.T.C.No.668 of 2008 on the file of the learned Judicial Magistrate VII, Coimbatore.

2. The petitioner is the accused and the respondent is the complainant, who filed the complaint under Sections 138, 141 and 142 of the Negotiable Instruments Act read with Section 200 of the Criminal Procedure Code. It is the specific allegation in the complaint that the petitioner is the Director of the first accused company and is in charge of the day to day affairs of the first respondent company and is, therefore, jointly and severally liable for the offence committed by the first accused.

It is also alleged in the complaint that the accused have issued the cheque knowing fully well that there are no sufficient funds in their bank account and thereby committed an offence which is punishable under the provisions of the Negotiable Instruments Act.

3. It is the contention of the learned counsel for the petitioner that the petitioner is not a signatory of the cheques, which are the subject matter of these cases and the petitioner was not in charge of the day to day affairs of the first accused company and, therefore, the complaint against the petitioner is to be quashed.

4. Per contra, the learned counsel for the respondent submitted that there are specific, unambiguous and clear averments about the petitioner being in-charge and responsible for the conduct of the business of the first accused firm and, therefore, these petitions are liable to be dismissed.

5. I heard Mr.V.Sai Ram, learned counsel for the petitioner and Mr.N.Manokaran, learned counsel for the respondent in all the criminal original petitions and perused the documents available on record.

6. It is to be noted that in respect of the very same cases, viz., C.C.No.527 of 2003, S.T.C.No.2485 of 2003, C.C.No.1913 of 2004, C.C.No.454 of 2003, S.T.C.No.2275 of 2003, S.T.C.No.2369 of 2004 and S.T.C.No.3004 of 2004 on the file of the learned Judicial Magistrate VII, Coimbatore, except S.T.C.No.668 of 2008, the petitioner had earlier filed Crl.O.P.No.29490 of 2004, etc. batch, seeking quashment of the said complaints and this Court, by order dated 30.7.2010, permitted withdrawal of the original petitions as prayed for by the petitioner with liberty to urge all her defence at the time of trial of the cases.

7. It is not in dispute that except S.T.C.No.668 of 2008, in respect of all other cases, an order of dismissal was already passed in the criminal original petitions, referred supra, with liberty to urge all her defence at the time of trial of the case. If that be so, it is not known as to how the petitioner once again filed these criminal original petitions in the year 2010 seeking the very same relief. The petitioner had also stated any fact to substantiate that the plea raised in S.T.C.No.668 of 2008 is in any different that the plea raised in the other seven cases.

8. The petitioner has not satisfied this Court as to the change in circumstances or any other ground for quashment of the criminal cases pending before the Court below. Therefore, this Court does not find any reason to take a different view than the

view taken by this Court in the order dated 30.7.2010.

9. In the result, these criminal original petitions are dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

vs

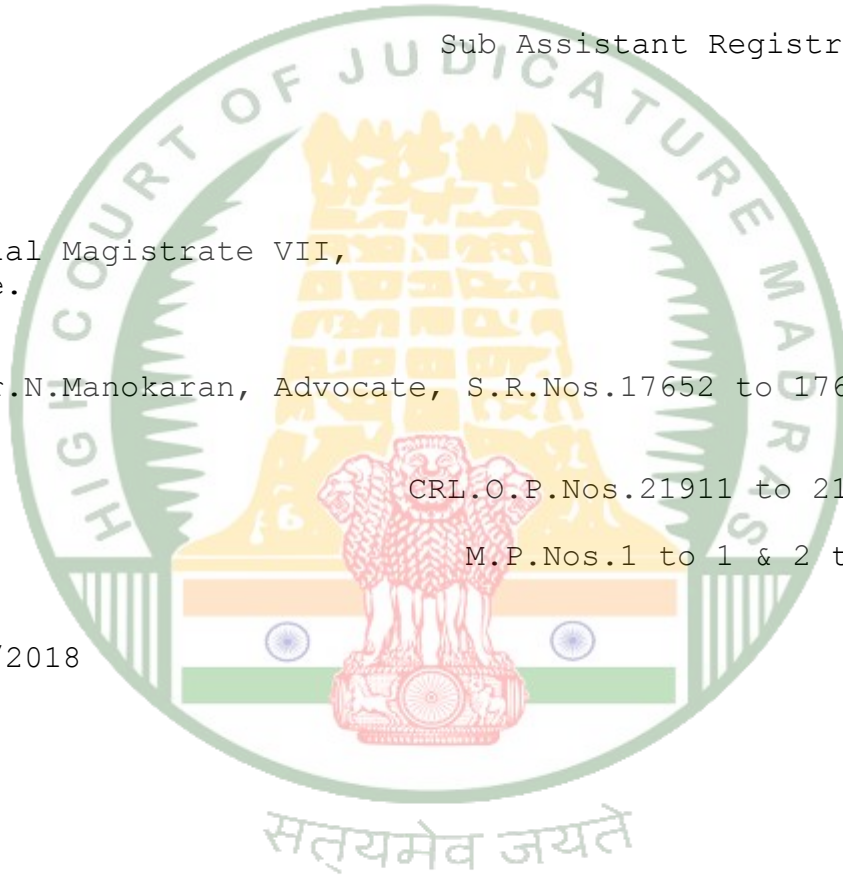
To

The Judicial Magistrate VII,
Coimbatore.

+8cc to Mr.N.Manokaran, Advocate, S.R.Nos.17652 to 17659

CRL.O.P.Nos.21911 to 21918 of 2010
and
M.P.Nos.1 to 1 & 2 to 2 of 2010

rrs 29/10/2018



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