

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 06.01.2017

CORAM

THE HONOURABLE MR. JUSTICE N.AUTHINATHAN

CrI.O.P. No.14692 of 2010

& M.P.Nos.1 & 2 of 2010

Jitesh Gajaraia,
S/o.Ramesh Bhai,
Proprietor,
Sri Pooja Exports,
No.610, P.B.Paresh Tower,
Near Hirabhai Market,
Diwan Ballubhai Road,
Kankaria, Ahmedabad - 380 022. ... Petitioner

versus

Prabath Mills
Partnership Firm,
Rep.by its Managing Partner,
K.Palanisamy,
S.o.Karuppa Kounder,
No.111/1-A1, Arul Industrial Estate,
Sedapalayam Road, Arulpuram Post,
Tirupur District - 641 605.
Tamil Nadu. ... Respondent

PRAYER : Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records in S.T.C.No.1119 of 2010 on the file of the learned Judicial Magistrate No.I, Tirupur and quash the same.

For Petitioner : Mr.R.Rajarajan

For Respondent : Mr.E.K.Kumaresan.

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O R D E R

This Criminal Original Petition has been filed by the petitioner to quash the proceedings in S.T.C.No.1119 of 2010 on the file of the learned Judicial Magistrate No.I, Tirupur.

2.The petitioner is the accused in S.T.C.No.1119 of 2010 on the file of the learned Judicial Magistrate No.I, Tirupur. The respondent is the complainant. It is a private complaint

preferred by the respondent under Section 200 Cr.P.C. for the offences punishable under Sections 138 and 142 of the Negotiable Instruments Act, 1881.

3. In the complaint, the respondent alleged that they were doing business in textile and the petitioner herein purchased textile goods from them on 24.09.2009 for a sum of Rs.7,76,500/-; on 25.09.2009 for a sum of Rs.8,76,338/-; and on 06.10.2009 for a sum of Rs.7,64,862/- for his business on credit. It is further alleged in the complaint that the petitioner has issued three post dated cheques for Rs.7,76,500/- on 13.11.2009; Rs.8,76,338/- on 08.11.2009; and Rs.7,64,862/- on 05.12.2009 in his favour for the discharge of the said liability. The said three cheques were dishonoured by the bank when presented for collection. Thereafter, the respondent issued notice dated 21.01.2010 calling upon the petitioner to pay the amount. The accused sent a reply denying his liability. Thereafter, the present complaint has been filed by the complainant. The learned Magistrate has taken the complaint on file and issued summons.

4. The learned counsel for the petitioner would submit that the entire cause of action for the filing of complaint under Section 138 of the Negotiable Instruments Act, 1881 arises only at Ahmedabad and the petitioner is also carrying on business at Ahmedabad. According to him, the learned Judicial Magistrate No.I, Tirupur has no jurisdiction to take the matter on file and that, therefore the proceedings in S.T.C.No.1119 of 2010 are liable to be quashed.

5. The learned counsel for the respondent would submit that as per the averments in the complaint, the complainant's bank is situated at No.3, Court Street, Tirupur, within the territorial jurisdiction of the learned Judicial Magistrate No.I, Tirupur and that, therefore, the learned Magistrate has rightly taken the matter on file.

6. Heard the learned counsel for the petitioner and the learned counsel for the respondent.

7. In the complaint, it is alleged that the complainant maintains his account in a bank situated within the local limits of the learned Judicial Magistrate No.I, Tirupur. The complainant also produced documents to show that the cheques in question were presented to his bank for collection and the bank has informed that the cheques were dishonoured. Therefore, it is clear that part of cause of action arose within the local limits of the learned Judicial Magistrate No.I, Tirupur. As it has been made clear that the learned Judicial Magistrate No.I, Tirupur has jurisdiction to deal with the complaint, the contention of the petitioner cannot be countenanced.

8.This Court does not find any ground to quash the complaint and hence, the Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

sri

To

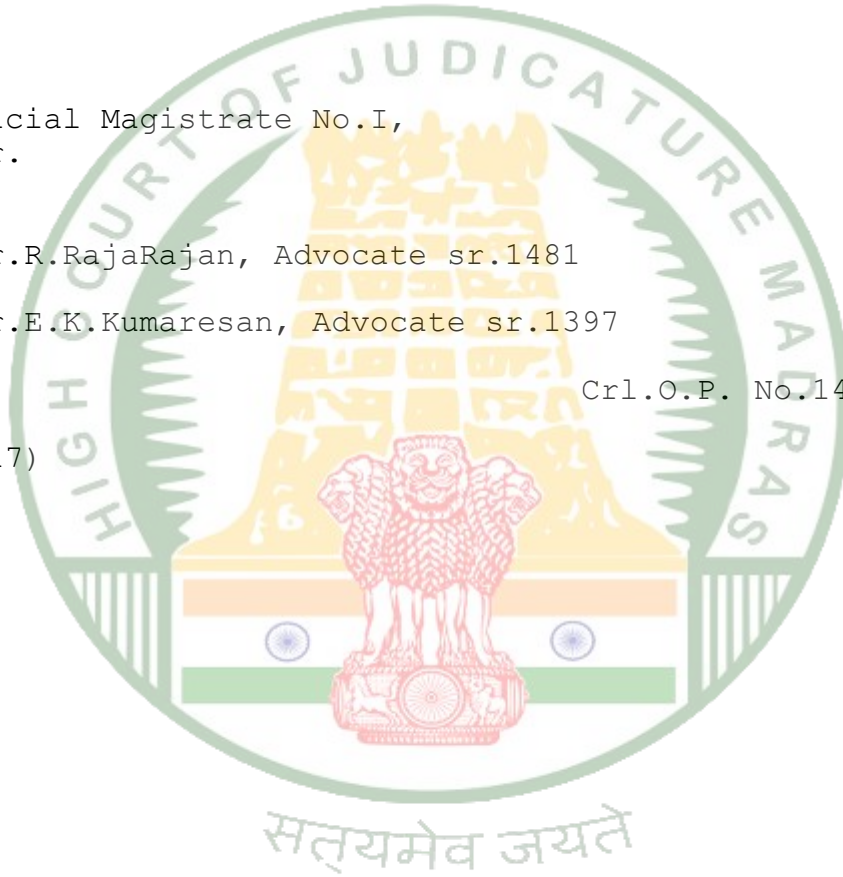
1.The Judicial Magistrate No.I,
Tirupur.

+1cc to Mr.R.RajaRajan, Advocate sr.1481

+1cc to Mr.E.K.Kumaresan, Advocate sr.1397

lrs(co)
ss(3/2/2017)

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