

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 16.08.2017

PRONOUNCED ON : 21.11.2017

CORAM

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

Crl.OP No.24747 of 2012

and

M.P.Nos.1 and 2 of 2012

and

M.P.No.1 of 2013

1. Managing Director,
M/s.Victory Electricals Ltd.,
850/64-B.T.H.Road,
Thiruvottiyur,
Chennai - 19.

2. The Authorised Signatory
M/s.Victory Electricals Ltd
850/64-B.T.H.Road
Thiruvottiyur,
Chennai - 19.

.. Petitioners

..Vs..

P.K.Madhusoodanan
Proprietor
M/s.M.P.Engineering,
No.21, New Street,
Tirumullavoyal,
S.M.Nagar Post,
Chennai - 62.

.. Respondent

Prayer :- Criminal Original Petition filed under Section 482 Cr.P.C., to call for the entire records related to the case in C.C.No.292 of 2011, on the file of Judicial Magistrate, at Ambattur, Chennai and quash the same.

For Petitioner :Mr.H.Mohammed Farook

For Respondent :Mr.S.Silambu Selvan

ORDER

This Criminal Original Petition has been filed under Section 482 Cr.P.C., to call for the entire records related to the case in C.C.No.292 of 2011, on the file of Judicial Magistrate, at Ambattur, Chennai.

2. The petitioner herein the facts leading to the in short are as follows:-

(i) The respondent herein has filed under Section 200 of Cr.P.C., for the alleged offence under Sections 138 and 142 of Negotiable Instruments Act.

(ii) The complainant states that the accused in discharge of his part legal liability towards the amount due to complainant issued a cheque for Rs.1,50,000/- bearing No.506409 dated 27.02.2011 drawn on Bank of Baroda, Royapuram Branch as part payment. The cheque was presented and the same was returned unpaid with memo on 20.06.2011 for the reason "opening balance insufficient".

(iii) The complaint states that after the receipt of the dishonoured cheque a registered notice was issued to the accused on 29.06.2011 calling upon the pay the amount covered by the cheque bearing No.506409 after receiving the notice. The accused has not made any payment nor issued any

reply. Hence, the present complaint.

3. After recording the evidence at pre-summon in stage, as a learned Magistrate taken cognizance and issue summons to the revision petitioner herein.

4. Aggrieved against the said issuing of summons, the accused has preferred this Criminal Original Petition.

5. The learned counsel for the petitioner has submitted that the case has instituted does not stand the legal security and without adding the company as a party, the private complaint is not maintainable and the same is defective for want of information regarding service of notice and seeks the quashment.

6. Per contra, the learned counsel for the respondent has submitted that there are necessary averments in the complaint warranting cognizance and postal acknowledgment regarding service of the statutory notice has been duly filed before the Court and hence, prays for dismissal.

7. After hearing the rival contentions and after perusing the records and also going through the cause title mentioned therein, this Court is of the considered view that the first accused has been arrayed in a proper sense to

represent the concerned Company and as such, the proceedings as initiated in the existing incarnation is maintainable against the Company by its Managing Director and hence, I do not find any irregularity in taking the cognizance and also of the fact that the postal acknowledgment evidencing service of the statutory notice upon the accused is also been filed and hence, taking cognizance by the trial Magistrate cannot be interfered with and in this view of the matter, there is no illegality or irregularity warranting interfered by this Court under Section 482 of Cr.P.C.

8. In the result, this Criminal Original Petition is dismissed.
Consequently, connected Miscellaneous Petitions are closed.

21.11.2017

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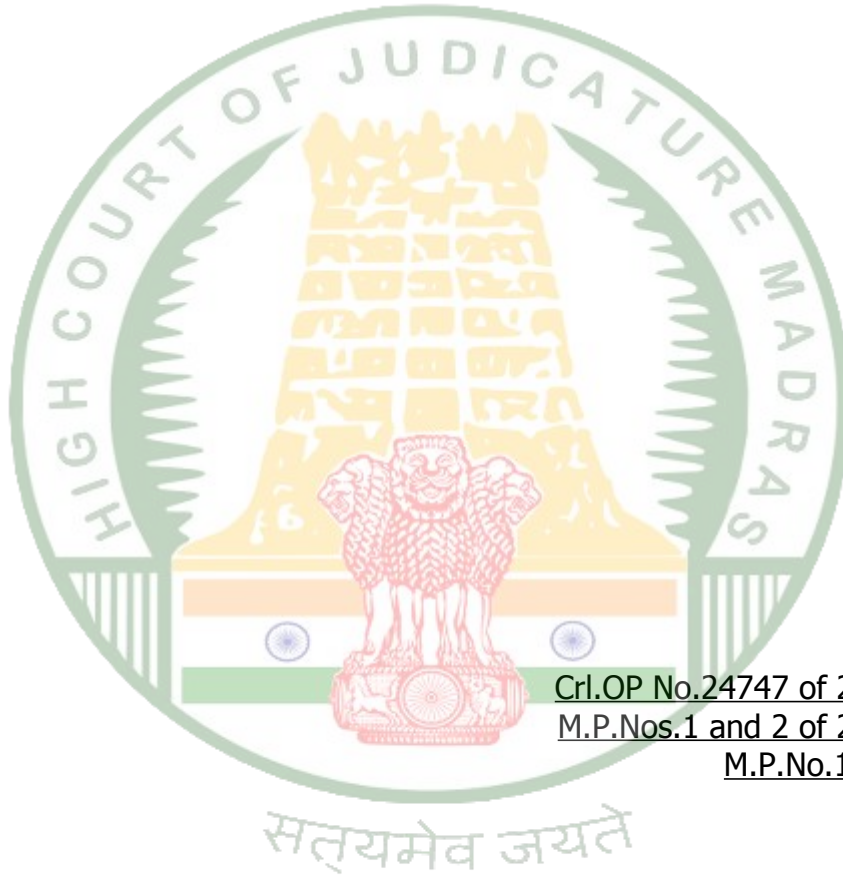
Index:Yes
Internet:No

To

- 1.The Judicial Magistrate, Ambattur, Chennai
2. The Public Prosecutor,
High Court, Madras.

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RMT.TEEKAA RAMAN,J.,
nvi



Order in
CrI.OP No.24747 of 2012 and
M.P.Nos.1 and 2 of 2012 and
M.P.No.1 of 2013

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