



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 07.06.2017
CORAM

THE HONOURABLE MR. JUSTICE P.N. PRAKASH

WEB COPY

Crl.O.P.(MD) No.14895 of 2014 and
M.P.(MD) No.1 of 2014 &
Crl.M.P.(MD) No.3606 of 2017

1. M.Prasath
2. Pusparani

... Petitioners/A1 & A2

-vs-

V.Chandrasekaran

...Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., praying to call for the records relating to in S.T.C.No.187 of 2012 on the file of the Judicial Magistrate, Andipatti and quash the same as illegal and pass such further or other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

For Petitioners : Mr.M.Chelladurai

For Respondent : Mr.K.Anbarasan,

Government Advocate (Crl.Side)

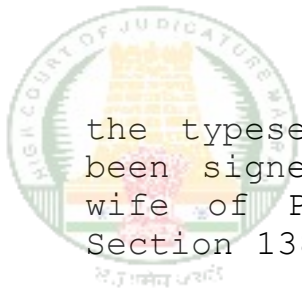
O R D E R

This petition has been filed, seeking to quash the case in S.T.C.No.187 of 2012 on the file of the Judicial Magistrate, Andipatti.

2. Heard the learned counsel for the petitioner. For the sake of convenience, the parties will be referred to by their name.

3. It is the case of Chandrasekaran / Complainant that Prasath and Pusparani borrowed a sum of Rs.1,00,000/- on 05.06.2011 as hand loan and in discharge of the said liability, Prasath gave a cheque bearing No.130489 dated 06.07.2011 drawn on Karur Vysya Bank for Rs.1,00,000/-, which, when presented by Chandrasekaran, was returned unpaid. Chandrasekaran issued a statutory notice under Section 138 of N.I.Act and thereafter, launched the prosecution in STC No.187 of 2012 before learned Judicial Magistrate, Andipatti against Prasath and Pusparani for the offence under Section 138 of N.I.Act.

On a reading of the complaint, it is seen that the cheque has been issued by Prasath and not from any joint account of Prasath and Pusparani. A copy of the cheque has been annexed in



the typeset of papers, which clearly shows that the cheque has been signed by Prasath only and just because, Pusparani is the wife of Prasath, she cannot be made vicariously liable under Section 138 of N.I.Act.

5. It is further seen that this Court had earlier directed the petitioners to deposit Rs.25,000/- at the time of admission on 26.08.2014. It is represented that Prasath has died on 11.03.2017. In view of the above, the entire prosecution against Prasath abates and the prosecution as against Pusparani is hereby quashed. V.Chandrasekaran will be entitled to withdraw the sum of Rs.25,000/- that has been deposited by the accused.

6. This petition is allowed on the above terms. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(Writs)

/True Copy/

Sub-Assistant Registrar

To:

1.The Judicial Magistrate,
Andipatti.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai

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RL/3C/2P/KP/SAR1/15.6.2017

Cr1.O.P. (MD) No.14895 of 2014
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