



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.03.2017

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THE HON'BLE MR.JUSTICE P.N.PRAKASH**Crl.O.P. (MD) No.22013 of 2016
& Crl.M.P. (MD) Nos.11371 & 11372/2016**

1. M/s.Khaitan Electricals Ltd.,
Apex Chambers,
20/18, Sir Thiagaraja Road,
T.Nagar. Chennai-600 017.

2. N.Sekar

3. G.N.Nathan

... Petitioners/A1 to A3

-vs-

M.B.Rajkumar

... Respondent/Complainant

Prayer: Petition filed under Section 482 of Code of Criminal Procedure to call for the records, relating to the impugned proceedings of Criminal complaint in C.C.No.140 of 2007, pending before the learned Judicial Magistrate No.1, Madurai filed by the Respondent / Complainant in respect of offences punishable under Sections 406, 420, 467 and 468 of IPC and quash the same.

For Petitioners : Mr.M.Santharam

For Respondent : Mr.P.Banu Prasath

Reserved on	Pronounced on
15.03.2017	22.03.2017

O R D E R

This petition has been filed to quash the impugned proceedings of the criminal complaint in C.C.No.140 of 2007, pending before the learned Judicial Magistrate No.1, Madurai filed by the Respondent / Complainant in respect of offences punishable under Sections 406, 420, 467 and 468 of IPC.

2. Heard the learned counsel for the petitioners and the learned counsel for the respondent.

3. For the sake of convenience, the parties will be referred to as the complainant and the accused.

4. The complainant has filed a private complaint in C.C.No.140 of 2007 before the learned Judicial Magistrate No.1, Madurai against the accused herein for offences under Sections 406, 420,



467 and 468 IPC, challenging which the accused is before this Court.

5. It is the case of the complainant that he was running a shop in the name of Spotlights and was a Distributor of Khaitan Fans and other electrical items of the accused. The accused 2 & 3 were working as Managers in Khaitan Electrical Limited (A1). It is further case of the complainant that he had given certain cheques as security to the Khaitan Electrical Limited under the Distributorship Agreement and that those cheques have been misused by the accused by presenting them in the Bank.

6. Admittedly, Khaitan Electrical Limited has initiated prosecution in C.C.No.3781 of 2006 before the XIII Metropolitan Magistrate, Egmore, Chennai against the complainant herein for an offence under Section 138 of N.I.Act. While so, in order to set up a false defense in C.C.No.3781 of 2006, the complainant has lodged the private complaint against the accused herein in Madurai, alleging that cheques that were given by him were misused.

7. In the impugned private complaint, the complainant has not even stated the date on which he had given those cheques. On the face of it, it is clear that the present private complaint is an abuse of process of law and has been filed only to torpedo the criminal prosecution that has been launched against the complainant herein under Section 138 of N.I.Act.

8. In the result, this petition is allowed and the prosecution in C.C.No.140 of 2007 pending on the file of learned Judicial Magistrate No.1, Madurai is hereby quashed against all the accused. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-I)

/True copy/

Sub Assistant Registrar

To:

The Judicial Magistrate No.1,
Madurai.

AR

PSM/KP/SAR2/04.04.2017/2P/2C

ORDER IN
Cr1.O.P. (MD) No.22013 of 2016
22.03.2017