

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 07.11.2017****CORAM****THE HON'BLE MR.JUSTICE M.DHANDAPANI****Crl.O.P.(MD)Nos.1155, 1156, 1157, 1158 and 1159 of 2011
and****M.P. (MD) .Nos.1,1,1,1,1,2,2,2,2 & 2 of 2011**

S.Raja ... Petitioner/Accused No.4
in all petitions
-Vs-

V.Ramasamy ... 1st Respondent/Complainant
in Crl.O.P.(MD) .No.1155/2017

A.Saraswathi ... 1st Respondent/Complainant
in Crl.O.P.(MD) .No.1156/2017

R.Chandrasekaran ... 1st Respondent/Complainant
in Crl.O.P.(MD) .No.1157/2017

K.Subbirah ... 1st Respondent/Complainant
in Crl.O.P.(MD) .No.1158/2017

Sathyamoorthy ... 1st Respondent/Complainant
in Crl.O.P.(MD) .No.1159/2017

2.Real Life Capital Ventures,
thro' one of its partner,
Senthamaraikannan

3.Senthamaraikannan

4.Veeraraj ... Respondents 2 to 4/
Accused Nos.1 to 3
in all petitions

Common Prayer : These Criminal Original Petitions are filed under Section 482 of Cr.P.C, to quash the proceedings in Cr.M.P.Nos.12845, 12846, 12847, 12848 and 12849 of 2010, respectively, pending on the file of the learned Judicial Magistrate, Sivakasi, Virudhunagar District.

For Petitioner : Mr.Balaji
for M/s.R.Anand
in all petitions

For Respondent : No appearance
in all petitions

**O R D E R**

These Criminal Original Petitions have been filed under Section 482 Cr.P.C. to quash the proceedings in Cr.M.P.Nos.12845, 12846, 12847, 12848 and 12849 of 2010, respectively, pending on the file of the learned Judicial Magistrate, Sivakasi, Virudhunagar District.

2. The learned counsel for the petitioner/A4 submitted that the first respondent in all petitions/defacto complainants have initiated proceedings under Section 138 of Negotiable Instruments Act, against the 2nd respondent Company/A1 and its partners/Accused Nos.2 to 3. He further submitted that the petitioner is a third party to the loan transaction, which is said to have been the root cause for the said proceedings. Subsequently, as there has been a delay of 17 days, the defacto complainants filed separate petitions under Section 142(b) of Negotiable Instruments Act, for condoning the delay, on which the petitioner has been shown as fourth respondent/A4. As there is no *prima facie* materials available to connect the petitioner in the commission of offence, there is no necessity for filing the complaint against the petitioner and the condone delay petition cannot be entertained. Aggrieved over the numbering of condone delay petitions, the petitioner filed these Criminal Original Petitions before this Court.

3. For the better appreciation, the relevant provision of Section 142 (b) of Negotiable Instruments Act is as follows:

"142.Cognizance of offences. Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974),-

(b)such complaint is made within one month of the date on which the cause of action arises under clause (c) of the proviso to section 138;"

4. On a perusal of the above said provision, it is very clear that the Court can entertain a complaint beyond the prescribed period, if the complainant satisfied the Court that he had sufficient cause for not making the complaint within the said period. Admittedly, the defacto complainants filed separate petitions under Section 142(b) of Negotiable Instruments Act, before the Trial Court. Subsequently, before passing orders in the condone delay petitions, the petitioner had approached this Court, invoking the inherent jurisdiction under Section 482 Cr.P.C to quash the said petitions in Cr.M.P.Nos.12845, 12846, 12847, 12848 and 12849 of 2010, respectively, pending on the file of the learned Judicial Magistrate, Sivakasi, Virudhunagar District.



5. I have heard the learned counsel for the petitioner and perused the materials available on record. There was no appearance on behalf of the respondents.

6. In my considered view, the petitioner/A4 has no right to challenge the condone delay petitions and filing of these petitions before this Court at this stage is a prematured one and if at all, the petitioner is having any right, he can challenge the order of the Trial Court, which would be passed under Section 142 (b) of Negotiable Instruments Act. Accordingly, these Criminal Original Petitions stand dismissed. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-

Assistant Registrar(crl side)

/True Copy/

Sub Assistant Registrar

To

The Judicial Magistrate,
Sivakasi, Virudhunagar District.

PJL

VB/MR/KKR/SAR2/04/12/2017/3P/2C

Crl.O.P. (MD) Nos.1155, 1156, 1157,
1158 and 1159 of 2011
07.11.2017