



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.11.2017

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Crl.O.P. (MD) Nos.4909 and 5101 of 2011
and
M.P. (MD) Nos.1 and 1 of 2011

1. The Rajarajeswari Textiles,
through its Managing Director,
K.R.Raja Rajeswari,
W/o.V.Baskaran,
Shed No 27, 29, 30,
Sidco Industrial Estate, Dindigul.

2. K.R.Raja Rajeswari,
3. G.Ramasamy
4. R.Rajagopal
5. R.Shanthi

... Petitioners in both Crl.O.Ps.

Vs.

G.J.Muthumaran
S/o.M.C.Jeyabalan,
Proprietor of S.M.Enterprises,
No.21, Velanganni 2nd Streets,
Balaji Nagar, Madurai.

... Respondent in both Crl.O.Ps.

COMMON PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the entire records relating the S.T.C.Nos.125 and 126 of 2008 on the file of the Judicial Magistrate Court No.I, Madurai and quash the same.

For Petitioners : Mr.V.R.Venkatesan
For Respondent : Mr.P.Mahendran

COMMON ORDER

The criminal original petitions have been filed to quash the complaint in S.T.C.Nos.125 and 126 of 2008 on the file of the Judicial Magistrate Court No.I, Madurai.

2.The learned counsel appearing for the petitioners would submit that admittedly, the second and third petitioners are



the managing partners in the Rajarajeswari. Vide unregistered partnership deed dated on 27.03.1997 executed by the parties on 01.04.1997, wherein it is clearly held that Ms.K.R.Raja Rajeswari, D/o G.Ramasamy, who is arrayed as a party in individual capacity as well as representing the first petitioner Rajarajeswari Texiles. The first petitioner/company registered under the Registrar of Firms under Section 58(1) of the Indian Partnership Act. Thereafter, the partnership was executed by the second petitioner and third petitioner. In the meantime, the second petitioner issued a cheque in favour of the defacto complainant. The fourth and fifth petitioners have no way connected with the transaction and they are nothing to do with the day to day affairs of the company.

3.The learned counsel appearing for the respondent fairly conceded that the fourth and fifth petitioners may be exonerated from the complaint in C.C.Nos.125 and 126 of 2008. He would further submit that since the matter is pending from 2008, suitable direction may be issued to the trial Court to complete the trial and pass orders.

4. In view of the above said submission made by the learned counsel for the respondent, I am inclined to quash the complaint pending against fourth and fifth petitioners, however, this Court has not expressed any opinion on the merits of the case. The Lower Court is directed to proceed with the case as against the petitioners Nos. 1,2 and 3 and complete the trial within a period of three months from the date of receipt of a copy of this order. However, liberty is granted to the petitioners to raise all the grounds before the Lower Court.

5.Accordingly, the criminal original petitions are disposed of. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

The Judicial Magistrate No.I, Madurai.

+ 1 CC TO Mr..V.RVENKATESAN, ADVOCATE IN SR No. 89919

+ 1 CC TO Mr.P.MAHENDRAN, ADVOCATE IN SR No. 89836

RMI

TE/SV-MMS/SAR-4 : 11/01/2018 : 2P/4C

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