

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 30.11.2018

CORAM

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Crl. OP. Nos. 20990 & 21268 of 2010
MP Nos.1 to 1, 2 of 2010

Mrs.B.Sumathi ... Petitioner / Accused 3 in both WPs

Vs.

1. Ms.Manoj Prakashan,
Represented by its partner,
Mr.Vijay Sharma,
Thiru Complex, II Floor,
44, Pantheon Road,
Egmore, Chennai 600 018.

...Respondent / Complainant in both WPs

2. M/s.Dhaanush Educationals,
Rep by its Managing Partner,
Mr.V.Bhaktavatchalam,
125, NSR Road,
Canara Bank Upstairs,
Saibaba Colony,
Coimbatore - 641 018

3. Mr.V.Bhaktavatchalam,
S/o.Mr.B.Venu,
No.3, Abba Garden,
318/1, Kavundampalayam,
TVS Nagar, Coimbatore - 641 018

.. Respondents / A-1 & A-2 in both WPs

Common Prayer: These petitions are filed under Section 482 of Criminal Procedure Code to call for the records connected with CC.233/2009 (in Crl OP No.21268 of 2010), CC.545/2009 (in Crl OP No.20990 of 2010), on the file of the XIII Metropolitan Magistrate Court, Egmore, Chennai and to quash the same.

For Petitioner : R.Seeniappan
in both WPs
For Respondent : No appearance
in both WPs

ORDER

These petitions are arising out of a complaint under Section 138 of Negotiable Instruments Act.

2. The main ground raised by the petitioner is that the petitioner is neither a authorised signatory nor a formal Director. But she has been unnecessarily roped in the complaint. However, there is a specific averment in the complaint that the petitioner is also a Director, who is actually involved in the day-today affairs of the Company. A separate legal notice was also taken by the petitioner. Therefore, on this ground alone, the complaint cannot be quashed.

3. The learned counsel appearing for the petitioner seeks indulgence of this Court that the petitioner is a patient and suffers from severe ailments and living in Coimbatore whereas the complaint is instituted at XIII Metropolitan Magistrate Court, Egmore, Chennai and it will be very difficult for the petitioner all the way travelling from Coimbatore to appear before the Magistrate Court, Chennai for all the hearings.

4. Considering the request of the learned counsel for the petitioner, the personal appearance of the petitioner alone is dispensed with provided she files an affidavit before the learned XIII Metropolitan Magistrate Court that she would appear before the Court as and when her appearance is required.

5. With these observations, these Criminal Original Petitions are dismissed with liberty to the petitioner to raise all these points before the trial Court. Consequently, the connected miscellaneous petitions are also closed.

Sd/-
Assistant Registrar (CS-VIII)

//True copy//

Sub Assistant Registrar

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To
The XIII Metropolitan Magistrate, Egmore

CrI. OP. Nos. 20990 & 21268 of 2010
MP Nos.1 to 1, 2 of 2010

KS (CO)
GMY(19/12/2018)