

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.08.2018

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.OP.No.14577 of 2018 and
Crl.MP.Nos.7380 and 7381 of 2018
and Crl.O.P.No14578 of 2018
and 7382 and 7383 of 2018

1. Palaniammal
2. B. Subha
3. B. Vasanth

.... Petitioners in both Crl.OPs

Vs

T. Nagarajan Respondent in both Crl.OPs

Common Prayer : Criminal Original Petitions filed under Section 482 of Cr.P.C., praying to call for the records relating to the S.T.C.No.230 of 2018 and S.T.C.No.229 of 2018 respectively on the file of the Learned Judicial Magistrate (Fast Track Court No.II), Erode and quash the same.

For Petitioners : Mr.M.Guruprasad
in both Crl.OPs

For Respondent : Mr.C.S.Saravanan
in both Crl.OPs

C O M M O N O R D E R

The petitioners herein are facing prosecutions in STC.No.229 of 2018 and 230 of 2018 respectively before the Judicial Magistrate (Fast Tract Court No.II), Erode on the complaints lodged by the respondent.

2. It is the case of the respondent that the petitioners are partners in Sri Velavan Paper and Boards (A1) which had issued the impunged cheques which were dishonoured when they were presented by the respondent.

3. Heard Mr.M.Guruprasad, learned counsel for the petitioners and Mr.C.S. Saravanan, learned counsel for the respondent.

4. On a reading of the two complaints, it is seen that sufficient averments have not been made qua B.Subha (A4) and B.Vasanth (A5) in both the complaints. However, Subha (A4) and Vasanth (A5) are the son and daughter respectively of M.K.Baskaran (A2) and Palaniammal (A3). Only a vague allegation has been made that the cheques were issued with their knowledge. From the unimpeachable documents like S.S.L.C Mark Sheets of Subha (A4) and Vasanth (A5), it is seen that Subha (A4) was a minor and Vasanth (A5) was 18 years old when they were admitted as partners in the year 2007. Of course, they attained majority when the impugned cheques were issued. Hence, these petitions are partly allowed and the prosecution in S.T.C Nos.229 and 230 of 2018 is quashed as against Subha (A4) Vasanth (A5).

5. As regards Palaniammal[A3], there are prima facie materials for the trial to proceed and therefore, these petitions are dismissed, with liberty to raise all the points before the trial Court. However, Palaniammal (A3) is directed to appear before the trial Court within a period of two weeks from the date of receipt of a copy of this order and execute a bond under Section 88 Cr.P.C for Rs.5,000/- without sureties in each of the cases. Thereafter, she shall engage an Advocate and give an undertaking that her counsel will cross examine the witnesses on the day she is examined in-chief, without adopting any dilatory tactics and that she will not dispute her identity. On such undertaking, her presence before the trial Court may be dispensed with. However, she will appear before the Court for questioning under Sections 251 Cr.P.C and 313 Cr.P.C. and on the date of judgment.

6. In fine, these Original Petitions are allowed qua B.Subha (A4) and B.Vasanth (A5) and dismissed qua Palaniammal [A3]. Connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

srn
To

The Judicial Magistrate(FTC No.II),
Erode.

+1cc to Mr.M.Guruprasad, Advocate Sr.56198
+1cc to Mr.C.S.Saravanan, Advocate Sr.56153

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