

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.06.2018

CORAM

THE HON'BLE MR.JUSTICE P.N.PRAKASH

Crl.O.P. Nos.15758, 15759, 15760 & 15761 of 2018

and

Crl.MP.Nos.8064 to 8067 of 2018

S.Sellappa @ Sellappan

...Petitioner/Accused  
(Crl.O.P. Nos.15758, 15759,  
15760 & 15761 of 2018)

vs.

S.Prakash

...Respondent/Complainant  
(Crl.O.P. Nos.15758, 15759,  
15760 & 15761 of 2018)

Criminal Original Petition filed under Section 482, Cr.P.C. to call for the entire records relating to the proceedings in C.C.Nos.79 of 2018, 78 of 2018, 77 of 2018 and 76 of 2018 on the file of Judicial Magistrate (FTC) Ambattur and quash the proceedings against the petitioner (A2), respectively.

For petitioner : Mr.K.Munusamy  
(Crl.O.P. Nos.15758, 15759, 15760 & 15761 of 2018)

सत्यमेव जयते  
C O M M O N O R D E R

These Criminal Original Petitions have been filed to call for the entire records relating to the proceedings in C.C.Nos.79 of 2018, 78 of 2018, 77 of 2018 and 76 of 2018 respectively, on the file of the Judicial Magistrate Court (FTC) Ambattur and quash the proceedings against the petitioner.

2. The petitioner is facing prosecution for the offence under Section 138 of the Negotiable Instruments Act, 1881, challenging which, this quash petition has been filed on the ground that the petitioner is not a partner in Sri Madhuram Sweets and Snacks, which has been arrayed as A3 in the complaint.

3. On a reading of the complaint, it is seen that the impugned cheques were issued to Sri Maduram Sweets and Snacks and has been signed by S.Subramaniyan (A1).

4. The learned counsel for the petitioner submitted that the petitioner is the son of Subramaniyan, but he is not a partner in Sri Maduram Sweets and Snacks. In support of his contention, he placed reliance upon the Partnership Deed, which shows that one S.Renuga and one S.Subramaniyan are the partners.

5. In the opinion of this Court, this disputed questions of fact which cannot be gone into in a quash petition filed under Section 482 Cr.P.C., Hence, this petition is closed with liberty to the petitioner to raise all these points before the trial Court. Connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

mk  
To

1.The Judicial Magistrate (FTC), Ambattur.

2.The Chief Judicial Magistrate  
Thiruvallur.

Cr1.O.P. Nos.15758, 15759,  
15760 & 15761 of 2018

GJ(CO)  
GSP(02/07/2018)

सत्यमेव जयते

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