

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 07.08.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.O.P.Nos.19665 & 19666 of 2018 and
Crl.M.P.Nos.10433 to 10436 of 2018

M.Somasundaram ... Petitioner in both petitions

Vs
Dr.S.Gopal Dass
Rep. by his Power of Attorney Agent
A.Sivaji ... Respondent
in Crl.O.P.No.19665 of 2018

Dr.M.Chinnappu
Rep. by her Power of Attorney Agent
A.Sivaji ... Respondent
in Crl.O.P.No.19666 of 2018

Criminal Original Petitions in Crl.O.P.Nos.19665 & 19666 of 2018 filed under Section 482 Cr.P.C., to quash the complaint in S.T.C.Nos.244 and 243 of 2018 on the file of the Judicial Magistrate Court No.III, Salem, by calling for the records relating to S.T.C.Nos.244 and 243 of 2018, respectively, on the file of the Judicial Magistrate Court No.III, Salem.

For Petitioner : Mr.N.A.Ravindran
in both petitions

For Respondent : Mr.C.Raghavan
Government Advocate in both petitions

COMMON ORDER

For the sake of convenience, the parties are referred to as complainant and accused.

2.The complainant initiated prosecution in S.T.C.No.244 of 2018 and S.T.C.No.243 of 2018 before the Judicial Magistrate Court No.III, Salem under Section 138 of Negotiable Instruments Act, 1881, against the accused. Challenging the said prosecution, the accused is before this Court.

3.Heard Mr.N.A.Ravindran, learned counsel for the

accused, who submitted that there is a discrepancy in the original complaint that has been filed by the complainant and the clean copy of the complaint that has been subsequently filed. He brought to the notice of this Court that in the original complaint, there is no long cause title, but, however, in the clean copy of the complaint, there is a long cause title. In other words, he submitted that, in the clean copy of the complaint, Para 1 begins with different wordings, but whereas, in the original complaint, the wordings in para 1 are different.

4. On a careful reading of both the complaints, it is seen that, in the short cause title of the original complaint, it is stated as follows :

S.T.C.No.244 of 2018 :
"Dr.S.Gopaldas,
Represented by his Power of Attorney agent A.Sivaji"

S.T.C.No.243 of 2018 :
"Dr.M.Chinnapappu, W/o.Dr.S.Gopaldas,
Represented by her Power of Attorney agent A.Sivaji"

5. However, in the long cause title of the clean copy of both the complaints, the complainant has given description about himself that he is being represented by his Power of Attorney agent A.Sivaji. As far as the other details namely, the date of cheque, cheque amount, dishonor of cheque and issuance of notice, there is absolutely no difference between the original complaint and the clean copy of the complaint. Under Criminal Law, the learned Magistrate takes cognizance of the offences under Section 190 Cr.P.C. Thus, the discrepancy in the long cause title cannot vitiate the prosecution.

6. Hence, these petitions are devoid of merits and stand dismissed. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Deputy Registrar

//True copy//

Sub Assistant Registrar

gya/mkn

To

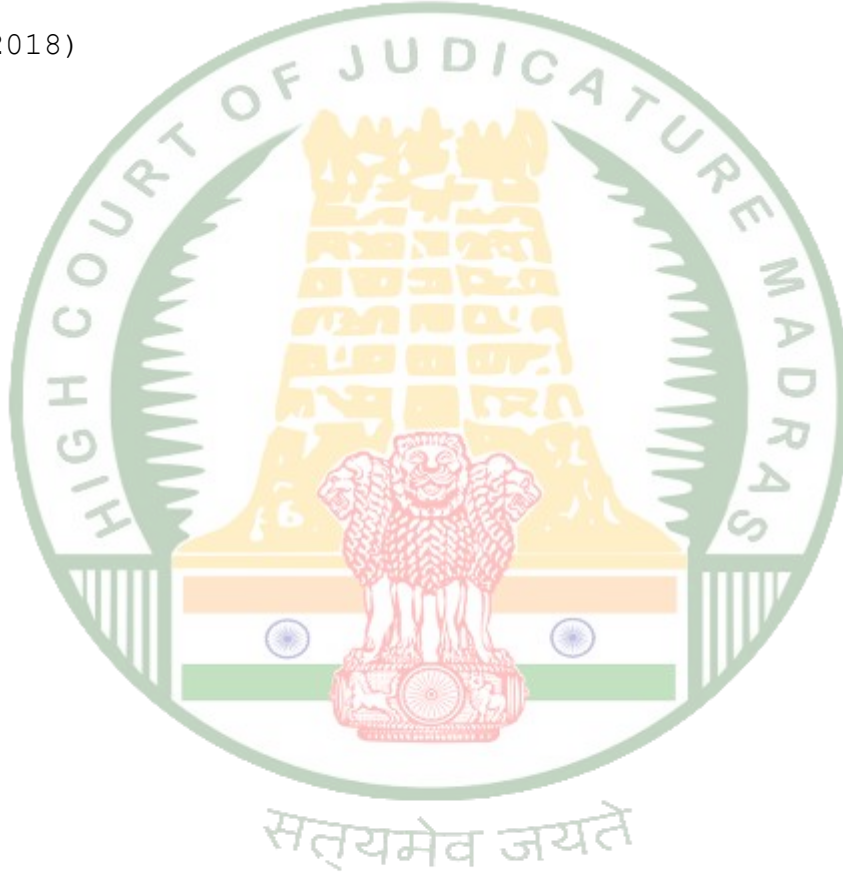
1. The Judicial Magistrate,
Court No.III, Salem.

2.The Public Prosecutor,
High Court, Madras.

+2cc to Mr.N.A.Ravichandran, Advocate SR.No.54558, 54557

CRL.O.P.Nos.19665 & 19666 of 2018

GN(21/08/2018)



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