

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 19.12.2018

CORAM:
THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH
Crl.O.P.No.18332 of 2017
and
Crl.M.P.Nos.11185 and 11186 of 2017

C.Nepalraj

: Petitioner

Vs.

M/s.Windsor Cotton Mills Private Limited,
Rep. by its Power Agent Mr.Arasu,
S/o.Srinivasan,
Mills at S.R. No.429, Puthupalayam Villag,
Pasur Post, Annur, Coimbatore.

: Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C. to call for the records in C.C. No.72 of 2016 pending before the Judicial Magistrate VI, Coimbatore and quash the proceedings against the petitioner.

For Petitioner : Mr.M.Krishna Sreethar
For Respondent : Mr.A.Deivasigamani

ORDER

This petition has been seeking to quash the proceedings in C.C. No.72 of 2016, pending on the file of the learned Judicial Magistrate No.VI, Coimbatore.

2.The petitioner before this Court is added as A2 in the private complaint filed by the respondent under Section 138 of the Negotiable Instruments Act. A1 is the Managing Director and A2 and A3 are the other Directors of the Company.

3.This petition for quash has been filed mainly on the ground that there are no allegations as against this petitioner as required under Section 141 of the Negotiable Instruments Act. The other ground that has been taken by the petitioner is that this petitioner had already retired as a Director on 31.03.2012 itself and the same is evident from Form No.32, filed before the Registrar of the Companies. Therefore, it is submitted that the proceedings as against this petitioner is an abuse of process of Court and the same needs to be interfered by this Court.

4.The learned counsel for the respondent would submit that this petitioner had resigned from the Company in the year 2012 itself and therefore, the proceedings may be quashed insofar as this petitioner is concerned. Insofar as the other accused

persons are concerned, the respondent must be permitted to proceed further with the complaint.

5.This Court has carefully considered the submissions made on either side. This Court is of the considered view that the petitioner had resigned from the Directorship of the Company in the year 2012 itself much prior to the issuance of cheque, which was issued in the year 2014 by the Company. Therefore, the continuance of the proceedings as against this petitioner is not sustainable.

6.In the result, the proceedings in C.C. No.72 of 2016, pending on the file the learned Judicial Magistrate VI, Coimbatore, is hereby quashed, insofar as this petitioner is concerned. The Court below is directed to proceed further with the complaint insofar the other accused persons are concerned and shall complete the proceedings within a period of three months from the date of receipt of a copy of this order.

7.Accordingly, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ia/vsg1

To

The learned Judicial Magistrate No.VI,
Coimbatore.

+lcc to Mr.A.Deivasigamani, Advocate, S.R.No.88302

Cr1.O.P.No.18332 of 2017

RK(CO)

rrs 23/01/2019

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