



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 30.10.2018

CORAM:

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH
CrI.O.P. [MD] .No.19666 of 2016
and
CrI.M.P. (MD) .Nos.9945 and 9946 of 2016

S. Shiyamala : Petitioner/Accused No.3

Vs.

Crompton Greaves Limited,
Crompton House,
No.3, Dr.M.G.R. Salai,
Nungambakkam,
Chennai 600 034.
Represented by its Legal and Admn. Manager,
D.Rajesh

Presently demerged and
Succeeded by the Resultant Company

Crompton Greaves Consumer Electricals Limited,
Incorporated under the Companies Act 2013,
Crompton House,
Represented by its Manager,
Legal of Southern region,
D.Rajesh : Respondent/Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C. to call for the entire records pertaining to the case in S.T.C.No.70 of 2015, on the file of the learned Judicial Magistrate No.I, (Fast Track Court No.1), Madurai, Madurai District and quash the same.

For Petitioner : Mr.R.Anand
For Respondent : Ms.H.Lakshmi Shankar

ORDER

The Criminal Original Petition has been filed seeking to quash the proceedings in S.T.C.No.70 of 2015, on the file of the learned Judicial Magistrate No.I, (Fast Track Court No.1), Madurai, Madurai District.

2. The learned counsel for the petitioner contended that the petitioner before this Court, is added as A-3 in the criminal complaint filed by the respondent for an offence under Section 138 of the Negotiable Instrument Act. The learned counsel would



further submit that the first accused is a partnership firm and the second accused is the husband of the petitioner and he is also the signatory of the cheque. According to the learned counsel for the petitioner, this petitioner has been added as an accused only on the ground that she is a partner of the first accused firm. The learned counsel for the petitioner further submitted that necessary averments as required under Section 141 of the Negotiable Instrument Act is completely absent in the complaint filed by the respondent. The respondent has not stated anywhere in the complaint as to the manner in which the petitioner is involved in the day-to-day affairs of the partnership firm. Therefore, the learned counsel for the petitioner would submit that the criminal complaint has to be quashed insofar as the petitioner is concerned.

3. This Court is able to find force in the submission made by the learned counsel for the petitioner. The entire reading of the complaint does not reveal any allegation with regard to how and in what manner the petitioner was actively involved in the business or was in charge and responsible for the conduct of the business of the firm. A bald statement has been made in the complaint stating that the petitioner is a partner and she is the wife of the second accused and therefore, she is also an active partner firm. This averment made in the complaint does not satisfy the requirements of Section 141 of the Negotiable Instrument Act.

4. In the result, the proceedings before the Court below in S.T.C.No.70 of 2015, on the file of the learned Judicial Magistrate No.I, (Fast Track Court No.1), Madurai, Madurai District, is hereby quashed in so far as this petitioner is concerned. The Court below is directed to proceed further with the complaint in so far as the other accused persons are concerned and complete the proceedings within a period of three months from the date of receipt of copy of this order.

5. Accordingly, the Criminal Original Petition is allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(Writs)

/True Copy/

Sub Assistant Registrar(CS-III)

To

<https://hcservicescourtsjudicialcsiii/magistrate-no-i-fast-track-court-no-1-madurai-madurai-district>
Magistrate No.I, (Fast Track Court No.1),
Madurai, Madurai District.



2. The Chief Judicial Magistrate,
Madurai

sjj

MK/KK/PM/SAR 3/28.12.2018/3P/3C

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