



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
DATED : 10.10.2018  
CORAM:  
THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

WEB COPY

Cr1OP(MD)No.4059 of 2016  
and  
Cr1.MP(MD)Nos.2044 and 2045 of 2016

Panjamoorthy ...Petitioner/Accused No.5  
Vs.

Mrs.Pappa Palaniappan  
Proprietrix,  
M/s.Pandian Meena Paper Co,  
represented through her authorised agent  
V.C.T.Vairavakannan ...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records relating to the STC No.163 of 2015 on the file of the Judicial Magistrate Court, Sivakasi and quash the same as against the petitioner.

For Petitioner : Mr.C.Arunmozhi Rajasankar  
For Respondent : No appearance

### ORDER

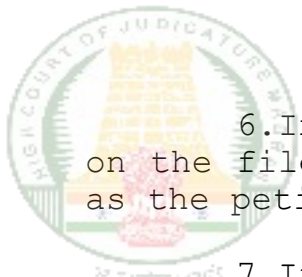
The petitioner before this Court has been arrayed as A-5 before the Court below in STC No.163 of 2015.

2.Admittedly, the complaint has been filed against the petitioner, who is arrayed as A-5 and against the Managing Director and other Directors. The petitioner was the Ex-Director of the Company.

3.It is therefore incumbent, on the part of the respondent to satisfy the requirements of Section 141 of NI Act. Since the petitioner has been arrayed as an accused in his capacity as a Director, the complaint has to necessarily have the averments with regard to how and in what manner the Director was in charge of and was responsible for the conduct of the business of the Company and mere bald statement that he was in charge of and was responsible for the day to day affairs of the Company is not sufficient.

4.This position has been confirmed by the Hon'ble Supreme Court in the judgment in National Small Industries Corporation Ltd Vs Harmeetsingh Paintlal and another reported in (2010) 3 SCC 330.

5.Now in the present case these requirements are not found in the averments made in the complaint filed by the respondent.



6. In view of the above, the complaint in STC No.163 of 2015, on the file of the Judicial Magistrate, Sivakasi is quashed insofar as the petitioners is concerned.

7. It is made clear that the Court below shall proceed further, insofar 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.

8. In the result the criminal original petition is allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-  
Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar (CS-III)

To

The Judicial Magistrate,  
Sivakasi.

Cr1.O.P. (MD) .No.4059 of 2016  
10.10.2018

DSK  
ES/SKN/RSK/SAR 3/27.11.2018/2P/2C