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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.04.2018

CORAM:

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

CRL.O.P. (MD) No.20107 of 2013

and

M.P. (MD) Nos.1 and 2 of 2013

N.Saravana Kumar

... Petitioner/Accused

Vs.

M.P.Karthikeyan

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, calling for the records in S.T.C.No.392 of 2012 on the file of the Judicial Magistrate No.II, Madurai and quash the same.

For Petitioner	: Mr.S.C.Herold Singh
For Respondent	: No appearance

ORDER

The petitioner has filed this Criminal Original Petition for quashing S.T.C.No.392 of 2012 on the file of the Judicial Magistrate, No.II, Madurai. It is a case of private complaint filed under Section 138 of the Negotiable Instruments Act, read with Section 142 of the Negotiable Instruments Act. The ground taken by the petitioner is that the complaint cheque was issued by the limited company and that therefore without arraying the company as an accused, the complaint is not maintainable. In this regard, he placed reliance on the decision of the Hon'ble Supreme Court in Aneeta Hada Vs Godfather Travels & Tours Pvt. The issue on hand is squarely covered by the aforesaid decision.

2.In this case, the complainant has omitted to array the Company as accused. Therefore, the complaint suffers from fundamental defect. Accordingly, the proceedings are quashed and this Criminal Original Petition is allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (P&A)

/True Copy/

Sub Assistant Registrar



To

The Judicial Magistrate No.II,
Madurai.

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+1CC to S.C.Herold Singh, Advocate in SR.No.61690.

PNN

DS/SV/MMS/SAR-3 :07.06.2018: 2P/3C

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