

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.01.2019

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.Nos.16390, 16419, 22863, 22864,
28266 and 28267 of 2015

and

M.P.Nos.1, 1, 1, 1, 1 and 1 of 2015

N.Mohan Nambiar : Petitioner in all Crl.O.Ps.

Vs.

1.M/s.K.P.Textiles (Coimbatore) Pvt. Ltd.,
No.4/237, Caltonpet (PO),
Sulur, Coimbatore-641 401,
Rep. By its Manager and
Authorised Representative
R.Manoharan. : 1st Respondent in all
Crl.O.Ps.

2.M/s.Lakshmi Apparels and Wovens Ltd.,
Rep. By A.L.Ramachandra,
Managing Director,
No.10/400, Palakkad Road,
Kuniamuthur (PO),
Coimbatore-641 008. : 2nd Respondent in all Crl.O.Ps.

3.A.L.Ramachandra : 3rd Respondent in Crl.O.P.Nos.16390
& 16419 of 2015 and 4th Respondent
in Crl.O.P.Nos. 22863, 22864, 28266
and 28267 of 2015

4.K.Rajagopal : 3rd Respondent in Crl.O.P.Nos.22863,
22864, 28266 and 28267 of 2015

5.T.Balaji : 5th Respondent in Crl.O.P.Nos.22863,
22864, 28266 and 28267 of 2015

6.Captain K.V.Narayanan : 6th Respondent in Crl.O.P.Nos.22863,
22864, 28266 and 28267 of 2015

Prayer in Crl.O.P.No.16390 of 2015: Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for records and to quash the same complaint dated 18.08.2014 now pending on the file of the Fast Track Court I, Coimbatore in S.T.C.No.1645 of 2014 against the petitioner.

Prayer in Crl.O.P.No.16419 of 2015: Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for records and to quash the same complaint dated 18.08.2014 now pending on the file of the Fast Track Court I, Coimbatore in S.T.C.No.1646 of 2014 against the petitioner.

Prayer in Crl.O.P.No.22863 of 2015: Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records and to quash the complaint dated 28.01.2015 now pending on the file of the Judicial Magistrate Court No.1, Coimbatore in C.C.No.52 of 2014 against the petitioner.

Prayer in Crl.O.P.No.22864 of 2015: Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for records and to quash the complaint dated 28.01.2015 now pending on the file of the Judicial Magistrate Court No.1, Coimbatore in C.C.No.85 of 2015 against the petitioner.

Prayer in Crl.O.P.No.28266 of 2015: Criminal original Petition is filed under Section 482 of Cr.P.C., to call for records and to quash the complaint dated 04.12.2014 now pending on the file of the Judicial magistrate Court No.1, Coimbatore in S.T.C.No.326 of 2015 against the petitioner.

Prayer in Crl.O.P.No.28267 of 2015: Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for records and to quash the complaint dated 07.05.2014 now pending on the file of the Judicial magistrate Court No.1, Coimbatore in S.T.C.No.327 of 2015 against the petitioner.

For Petitioner : Mr.M.Aravind Subramaniam

For 1st Respondent : Mr.R.Vasudevan

in all Crl.O.Ps.

COMMON ORDER

In all the cases, the petitioner has been arrayed as A5 in the criminal complaint filed by the respondent under Section 138 of Negotiable Instrument Act.

2.From the allegations made in the complaint, it is clear that this petitioner has been made as an accused only on the ground that he was a director in the first respondent company. In order to add the petitioner as an accused, the complaint has to specifically allege as to how and in what manner the petitioner was incharge of day to day affairs of the company. The complaint is totally silent about it. In fact, the complaint does not even make any allegations against this petitioner. The requirements of Section 141 of the Negotiable Instrument Act has not satisfied. Therefore, the continuation of the proceedings as against the petitioner will amount to abuse of process of Court and it requires the interference of this Court under Section 482 of Cr.P.C.

3.In the result, the proceedings in S.T.C.No.1645 of 2014, S.T.C.No.1646 of 2014, C.C.No.52 of 2014, C.C.No.85 of 2015, S.T.C.No.326 of 2015 and S.T.C.No.327 of 2015, pending on the file of the Fast Track Court I, Coimbatore and the Judicial Magistrate Court No.1, Coimbatore respectively are quashed in sofaras the petitioner is concerned. It is made clear that the proceedings can go on as against A1 and A3 and shall be completed within a period of three months from the date of receipt of a copy of this order.

4.Accordingly, these Criminal Original petitions shall stand allowed. Consequently, the connected Miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS-VI)

//True copy//

Sub Assistant Registrar

vsg1/ia

To

1.The Fast Track Court I, Coimbatore.

2.The Judicial Magistrate Court No.1,Coimbatore.

+6cc to Mr.M.Aravind Subramaniam, Advocate SR.No.4638

Cr1.O.P.Nos.16390, 16419, 22863,
22864, 28266 and 28267 of 2015

PP(CO)
GMY(07/02/2019)