

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2019

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.25966 of 2013

and

M.P.No.1 of 2013

S.Aravind ... Petitioner/Accused No.4

Vs.

1.M/s. Centrum Direct Limited,
(Formerly known as FCH
Centrum Direct Limited),
Rep. by its Authority person
& Manager - Accounts
Mr.N.Senthil Kumar,
Regional Office at Prestige Point,
Ground Floor,
Haddows Road,
Nungambakkam,
Chennai - 600 034. ... Respondent/Complainant

2.M/s. Sivalenka Energy
Company Private Limited,
Rep. by its Director,
Mr.S.M.Fedrick.

3.S.M.Fedrick,
Director of M/s. Sivalenka Energy
Company Private Limited.

4.Nageshwara Rao (Deceased),
Director of M/s. Sivalenka Energy
Company Private Limited. ... Respondents/Accused
Nos.1 to 3

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to C.C.No.3153 of 2011 on the file of the Metropolitan Magistrate, Fast Track Court No.II, Egmore, Chennai and to quash the same.

For Petitioner : Mr.M.Vivekanandan

For R1 : Mr.P.N.Swaminathan

O R D E R

Original Petition filed to call for the records relating to C.C.No.3153 of 2011 on the file of the Metropolitan Magistrate, Fast Track Court No.II, Egmore, Chennai and to quash the same.

2.The learned counsel for the petitioner advanced his arguments on the ground that the signatory of the cheques was dead and a notice has been sent to the dead person, who is A3 in this case. The petitioner is the son of A3, who is not the Director of the first accused company as alleged by the respondent/complainant on a false premise that he is a Director. He had also sent a reply notice denying that he is the Director of the first accused company.

3.The learned counsel for the respondent/complainant submits that notice was served to the first accused company as well as to the petitioner. Witnesses have been examined. Since the criminal complaint was filed under Section 138 and 141 of the Negotiable Instruments Act in the year 2011 and the quash petition is of the year 2013, trial is pending. Further submitted that Ex.P3 Statement of account was marked in support of his claim of the debt. On the side of the accused petition under Section 91 Cr.P.C. was filed for summoning the corresponding credit vouchers, which have been produced before the Trial Court. The petitioner/A4 has signed the above said vouchers which are now disputed by the petitioner.

4.At this juncture, the petitioner seeks permission of this Court to withdraw the quash petition and he has also made an endorsement to that effect.

5.In view of the submission and the endorsement made by the learned counsel for the petitioner, the Criminal Original Petition is dismissed as withdrawn. However, the trial Court is directed to complete the trial and dispose of the case in C.C.No.3153 of 2011, as expeditiously as possible, within a

period of three months from the date of receipt of a copy of this order. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

ah

To

The Metropolitan Magistrate,
Fast Track Court No.II,
Egmore,
Chennai - 600 008.

+1 cc to Mr.M.Vevekanandan, Advocate Sr.No.47873
+2 cc to Mr.P.N.Swaminathan, Advocate Sr.No.48339

Cr1.O.P.No.25966 of 2013

SPD(CO)
CSL/17.06.2019



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