

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.04.2019

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.29799 of 2013 and

Crl.M.P.No.1 of 2013

Selvapriya

... Petitioner/Accused

Versus

Jose.S

... Respondent/Complainant

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records and quash the entire proceedings pending in C.C.No.49 of 2013 on the file of the Fast Track Court J.M. at Alandur.

For Petitioner : M/s.S.Sivashankar

ORDER

The petitioner is the sole accused in C.C.No.49 of 2013 on a private complaint given by the respondent for the offence under Section 138 and 142 of the Negotiable Instruments Act.

2.The contention of the petitioner is that the petitioner was a Director of the company viz., M/s.Falcon Education Private Limited, Annasalai, Chennai. Due to business transaction, the petitioner was liable to pay a sum of Rs.32,289/- (Rupees thirty two thousand two hundred and eighty nine only) to the respondent. The petitioner issued a cheque bearing No.004452, dated 01.10.2012 in favour of the respondent. When the cheque was deposited by the respondent on 29.12.2012, it got dishonoured. He further submitted that the petitioner was no more a Director of the said company, since she had resigned on 30.11.2012. Further, there is no averment in the complaint that, the petitioner was in charge and participated in the day to day affairs of the said company.

3.The learned counsel for the petitioner relied upon the following citations.

"1)Raj Kumar Mangla Versus M/s.Indi Lowenbrau Breweries Ltd. in Crl.Misc.No.19581-M of 1995 dated 27.05.1997.

2)State of Haryana Versus Brij Mittal and others in Criminal Appeal No.529 of 1998, dated 30.04.1998 reported in (1998) 5 Supreme Court Cases 343."

The citation referred by the learned counsel for the petitioner is not applicable to the facts and circumstances of this case.

4. On perusal of the complaint and the documents filed before this Court, it is seen that the petitioner is the sole accused and the cheque has been signed by her as Director of the said company. Statutory notice was issued by the respondent on 05.01.2013 to the petitioner. On receipt of the same, the petitioner did not give any reply to that effect. Hence, the present complaint came to be filed.

5. Considering the facts and circumstance of this case, this Court does not find any grounds to quash the complaint. The learned counsel for the petitioner is at liberty to raise all the grounds before the trial Court.

6. Hence, this Criminal Original Petition is dismissed and the trial Court is directed to complete the proceedings within a period of three months from the date of receipt of a copy of this order. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (CS VI)

//True Copy//

Sub Assistant Registrar

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To

The Fast Track Court Judicial Magistrate Court,
Alandur.

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CRL.O.P.No.29799 of 2013

nr 27/06/2019