

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 18.02.2019

CORAM:
THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN
Crl.O.P.No.4236 of 2019

S.S.Dye Chem
Rep. by its proprietor S.Vaiyapuri

... Petitioner

Vs.

1.M/s. Adhavan Processing (P) Ltd.,
Represented by its Managing Director
Having Registered Office at
1st Floor, Guru Complex,
Nasiyanoor Road,
Sampath Nagar,
Erode-638 011.
Factory at
Chithode,
Suriyampalayam Post,
Erode District.

2.M.S.Selvaraj
Director,

M/s.Adhavan Processing (P) Ltd.,

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records and to set aside the order dated 16.08.2018 made in C.M.P.No.888 of 2016 in C.C.No.567 of 2004 on the file of the Court of the Judicial Magistrate No.II, Erode.

For Petitioner : Mr.C.E.Pratap

For Respondents: Mr.M.Mohamed Riyaz,
Additional Public Prosecutor.

O R D E R

This Criminal Original Petition has been filed to set aside the order dated 16.08.2018 made in C.M.P.No.888 of 2016 in C.C.No.567 of 2004 on the file of the learned Judicial Magistrate No.II, Erode.

2.The petitioner has filed a complaint under Section 138, 141 and 142 of Negotiable Instruments Act, 1881, as against 10 accused persons. The accused 4 to 10 filed petitions to quash the said complaint before this Court in Crl.O.P.No.18130 of 2005 and Crl.O.P.No.20867 of 2007 and the complaint in C.C.No.567 of 2004 on the file of the Learned Judicial Magistrate No.II, Erode

was quashed by this Court on 26.02.2010. Insofar as the 2nd accused is concerned, he died as early as on 20.02.2010. The accused persons remaining are A1 and A3. Insofar as A3 is concerned, he is none other than the son of the deceased A2 and he is impleaded as an accused as Director to the 1st accused Company M/s.Adhavan Processing (P) Ltd. Though, the 2nd accused represented the company in the capacity of Managing Director, the 3rd accused is involved in the 1st accused company in the capacity of Director in the day-to-day affairs of the said company. Therefore, the petitioner/complainant can very well bring out the 3rd accused representing the 1st accused as Director. His cadre need not be changed to Managing Director since there is no material to show that the 3rd accused has been indicated as a Managing Director of the 1st accused company.

3.With the above observation this Criminal Original Petition is disposed of. The trial Court can very well proceed as against the 1st and 3rd accused/ respondents herein even in the cadre of Director representing the 1st accused company. Considering that the case is of the year 2004, the learned Judicial Magistrate No.II, Erode, is directed to complete the trial within three months from the date of receipt of copy of this order.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

rm

To

1.The Judicial Magistrate No.II,
Erode.

2.The Public Prosecutor,
High Court, Madras.

+lcc to Mr.C.E.Pratap, Advocate, S.R.No.14925

Cr1.O.P.No.4236 of 2019

BS(CO)

rrs 15/03/2019