

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.09.2019

CORAM

THE HONOURABLE MR. JUSTICE M.S. RAMESH

Cr1.O.P.No.21230 of 2018
and
Cr1.M.P.No.11781 of 2018

1.Ramu Kalanjiam Suresh

2.Ramu Kalanjiam Sivakumar

3.Lakshmi Kalamjiam ... Petitioners/Accused 3 to 5

Versus

M/s.Paceman Finance India Pvt.Ltd.,
Rep.by its Manager-Mr.Elumalai,
No.963, Poonamallee High Road,
Crescent Court, Suit No.21,
Purasawalkam, Chennai-600 084.

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to stay all and to call for the records the further proceedings in C.C.No.1230 of 2018 on the file of Fast Track Court No.IV, Metropolitan Magistrate, George Town, Chennai, pending disposal of this quash petition and in C.C.No.1230 of 2018 and quash the same.

For Petitioner : Mr.S.Veeraraghavan

For Respondent : Mr.V.Bhiman

O R D E R

The petitioners herein who have been arrayed as the accused 3 to 5, were the Directors of a M/s. Lakshmi Petro Private Limited.

2.It is the submissions of the learned counsel for the petitioner that even prior to issuance of the impugned cheque, the petitioners herein had resigned from the post of Directorship, which is evidenced in Form No.DIR-12, filed in

the typed set of papers. Since the impugned cheque was issued on 07.03.2018, these petitioners herein cannot be held liable for the offence under Section 138 of Negotiable Instruments Act.

3.In the light of the aforesaid observations, the proceedings in C.C.No.1230 of 2018 on the file of the Fast Track Court No.IV, Metropolitan Magistrate, George Town, Chennai is quashed, in so far as it relates to the petitioners herein/accused 3 to 5.

4.Since the proceedings were initiated in the year 2018 and still pending, the Trial Court shall endeavour to complete the proceedings as expeditiously as possible, in any event within a period of 3 months from the date of receipt of a copy of this order.

5.With the above observations and direction, the Criminal Original Petition stands allowed accordingly. Consequently, connected the Criminal Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CJ conf)

//True Copy//

Sub Assistant Registrar

sbn/klt

To

1.The Metropolitan Magistrate, Fast Track Court No.IV,
George Town, Chennai.

+lcc to Mrs.P.Kalaiarasi, Advocate SR.82706

+lcc to Mr.V.Bhiman, Advocate SR.82493

Crl.O.P.No.21230 of 2018
and

Crl.M.P.No.11781 of 2018

BS(CO)

CB(15/11/2019)