

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.03.2019

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.18795 of 2014

and

M.P.No. 1 of 2014

C.Balasubramaniam ... Petitioner

Vs.

C.Deivasigamani Respondent

Prayer: Criminal Original Petition filed under section 482 of Criminal Procedure Code, to call for the entire records concerned in C.C.No.668 of 2012 on the file of the Judicial Magistrate-I, Tiruppur, Tiruppur District and quash the same insofar as the petitioner is concerned.

For Petitioner : Mr.C.Prakasam

For Respondent : Mr.P.M.Duraiswamy

O R D E R

This petition has been filed to quash the proceedings in C.C.No.668 of 2012, on the file of Judicial Magistrate-I, Tiruppur, Tiruppur District, under Section 482 of the Criminal Procedure Code.

2. It is the case of the petitioner that he has borrowed a sum of Rs.1,50,000/- (Rupees One Lakh Fifty Thousand Only) from the respondent on 14.10.2011 and for the payment of the same, he has issued a cheque on 16.12.2011 in the capacity of partner of the firm, as the petitioner is the partner of M/s.Winn Mark Knitts. When the respondent produced the said cheque for payment through Central Bank of India, Tirupur on 23.02.2012, the same was returned unpaid for the reason 'Account Closed' on 24.02.2012. After which, the respondent has issued a notice to the petitioner under Section 138 of the Negotiable Instruments Act.

3. The learned counsel for the petitioner submitted that the petitioner is a partner of M/s. Winn Mark Knitts and without impleading the said partnership firm, the present petition has been filed, since, the respondent had issued a statutory notice

only to the petitioner under Section 138 of the Negotiable Instruments Act. He pointed out that the alleged cheque was issued on behalf of the partnership.

4. A perusal of the complaint lodged by the respondent before the learned Judicial Magistrate-I, Tiruppur shows that both the partnership firm as well as the petitioner have jointly issued the cheque. It is also seen that the petitioner has issued the cheque on behalf of M/s.Winn Mark Knitts, which is his partnership firm. The respondent has filed the complaint before the learned Judicial Magistrate No.I, Tiruppur under Section 138 r/w 142 of the Negotiable Instruments Act and according to Section 200 of Cr.P.C.

5. Therefore, the grounds raised by the petitioner cannot be considered, at this stage. Further, there is no merits in this Petition, which is filed to quash the proceedings initiated by the respondent.

6. With these observation this criminal original petition is dismissed. Consequently, the connected miscellaneous petition is also closed.

7. The learned Judicial Magistrate-I, Tiruppur, Tiruppur District is directed to complete The trial in C.C.No.668 of 2012 within a period of three months from the date of receipt of a copy of the order.

Sd/-
Assistant Registrar(CS-VIII)

//True copy//

Sub Assistant Registrar

vji

To

The Judicial Magistrate-I,
Tiruppur,
Tiruppur District.

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CrI.O.P.No.18795 of 2014
and
M.P.No. 1 of 2014

PA(CO)
GMY(22/05/2019)