

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.04.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.20381 of 2017
and Crl.M.P.No.12220 of 2017

Satish Kumar

... Petitioner

Vs.

Vinay Lodha

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records in connected with C.C.No.1218 of 2016 on the file of Fast Track Court IV, George Town, Metropolitan Magistrate Court, Chennai and Quash the same as against the petitioner.

For Petitioners: Mr.P.C.Hari Kumar
for M/s.P.C.HARI Kumar Associates

For Respondent : M/s.Surana and Surana

O R D E R

This Criminal Original Petition has been filed to call for the records in connected with C.C.No.1218 of 2016 on the file of Fast Track Court IV, George Town, Metropolitan Magistrate Court, Chennai and Quash the same as against the petitioner.

2. The learned counsel for the petitioner would submit that the petitioner is the 4th accused for the alleged offence of dishonour of cheque under Section 138 of Negotiable Instruments Act, pending in C.C.No.1218 of 2016 on the file of Fast Track Court IV, George Town, Metropolitan Magistrate Court, Chennai. He further submitted that petitioner is not a partner of the 1st accused partnership firm at the time of issuing the cheque bearing No.690587, dated 01.03.2016 or at the time of dishonor of the cheque and thereafter. The petitioner has duly retired from the partnership firm by way of deed of retirement dated 16.11.2011. Thus the petitioner has not committed any alleged offence under Section 138 of Negotiable Instruments Act. Hence, the present petition.

3. Considering the facts and circumstances of the case, this Court is inclined to quash the proceedings as against the

petitioner and the trial Court is directed to complete the trial in C.C.No.1218 of 2016 within a period of three months from the date of receipt of a copy of this order.

4. With the above direction, this Criminal Original Petition is Allowed. Consequently, connected miscellaneous petition is closed.

-s/d-
Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

ssr
To

1. The IV Judge
The Fast Track Court IV,
George Town,
Metropolitan Magistrate Court,
Chennai.

2. The Public Prosecutor,
High Court, Madras.

+1 CC to M/s.P.C. Harikumar Associates sr 35625

CrI.O.P.No.20381 of 2017
and CrI.M.P.No.12220 of 2017

GJII (CO)
SP(10/05/2019)

सत्यमेव जयते

WEB COPY