

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 22.01.2019
CORAM:
THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH
Crl.O.P.No.27970 of 2018
and
Crl.M.P.Nos.16238 of 2018 & 962 of 2019

Meena Mohan Subramanian

...Petitioner

Vs.

K.S.Manian

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records relating to C.C.No.3460 of 2017 on the file of XVII Metropolitan Magistrate, Saidapet, Chennai and quash the same in so far as the petitioner is concerned.

For Petitioner : Mr.S.J.Jagadev

For Respondent :Mr.Abudakumar Rajarathinam
for V.S.Senthilkumar

ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings in C.C.No.3460 of 2017 on the file of XVII Metropolitan Magistrate, Saidapet, Chennai.

2. The petitioner is added as A2 in the criminal complaint filed by the respondent for an offence under Section 138 of Negotiable Instruments Act.

3. It is seen from the allegations made in the complaint that this petitioner was only a co-applicant for the loan and this petitioner has not signed the cheque and it was only A1, who had signed the cheque. Therefore, this petitioner should not have been made as an accused person.

4. The facts of the case is squarely covered by the judgment in R.Priyadharshini V. LIC Housing Finance Limited, reported in 2006 (1) LW (Crl.) 58 and Aparna A.Shah Vs. Sheth Developers Private Limited, reported in (2013) 8 Supreme Court Cases 71. In view of the above, the proceedings as against this petitioner is liable to be quashed.

5. In the result, the proceedings in C.C.No.3460 of 2017 on the file of the XVII Metropolitan Magistrate, Saidapet, Chennai is hereby quashed insofar as this petitioner is concerned. The proceedings can continue as against A1. Accordingly, this Criminal Original Petition is allowed and the Court below is directed to complete the proceedings within a period of three months from the date of receipt of copy of this order. Consequently, connected miscellaneous petitions are also closed.

Sd/-
Assistant Registrar (CS)

//True Copy//

Sub Assistant Registrar

vsa/msrm

To
The XVII Metropolitan Magistrate,
Saidapet,
Chennai.

+1cc to Mr. S.J.Jagadev, Advocate SR.No. 4903
+1cc to Mr. V.S.Senthilkumar, Advocate SR.No. 5441

CrI.O.P.No.27970 of 2018
and

CrI.M.P.Nos.16238 of 2018 & 962 of 2019

A.SK(13/02/2019)

सत्यमेव जयते
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