



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.12.2019

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.[MD].No.11089 of 2019

and

Crl.M.P.(MD)Nos.6978 and 6979 of 2019

K.Sellamuthu

: Petitioner/Sole Accused

Vs.

R.V.Seenivasan

: Respondent/Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C. to call for the records in S.T.C.No.45 of 2019, pending on the file of the learned Judicial Magistrate (Fast Track) Court, Theni and quash the same.

For Petitioner

: Mr.N.Tamilmani

For Respondent

: Mr.C.Vakeeswaran

ORDER

This Criminal Original Petition has been filed to quash the proceedings in S.T.C.No.45 of 2019, pending on the file of the learned Judicial Magistrate (Fast Track) Court, Theni.

2.Today, when the matter is taken up for hearing, the learned counsel for the petitioner would submit that the petitioner filed I.P.No.24 of 2018, before the Principal District Court, Theni and in the petition, the respondent/complainant has been shown as one of the creditors. He would further submit that the proceedings pending in S.T.C.No.45 of 2019 cannot be sustained.

3.The learned counsel for the respondent/complainant would submit that the insolvency proceedings is not a bar for taking criminal proceedings against the petitioner. Further, filing a petition under the Insolvency Act, the petitioner cannot be absolved from the criminal liability and moreover the insolvency proceeding is only at the notice stage. He would also further submit that the entire trial has been completed and the case stands posted for arguments on 19.12.2019.

4.This Court is of the opinion that the pendency of the insolvency proceedings is not a bar for initiating the proceedings



under the Negotiable Instruments Act. Hence, the petitioner has not made out any grounds to quash this petition.

5. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petitions are closed.

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Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To

The Judicial Magistrate (Fast Track) Court, Theni.

+1 CC to M/s.N.TAMILMANI, Advocate (SR-105809[F] dated 19/12/2019)

+1 CC to M/s.C.VAKEESWARAN, Advocate (SR-105825[F] dated 19/12/2019)

SJI

TE : 07/01/2020 : 2P/4C

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