



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.09.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

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Crl.O.P.(MD) No. 2276 of 2018
and Crl.M.P.(MD) Nos. 1033 of 2018

M. Rengusamy

...Petitioner/4th Accused

Vs.

Balasubramani

...Respondent/complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records relating to the impugned private complaint filed by the respondent/complainant in C.C.No. 921 of 2017 on the file of the Fast Track Court, Magistrate Level, Karur and to quash the same in so far as the petitioner/4th accused.

For Petitioner : Mr.R. Thangapandian

For Respondent : Mr. S.R. Anbarasu

O R D E R

This petition has been filed to quash a private complaint filed by the respondent/complainant in C.C.No. 921 of 2017 on the file of the Fast Track Court, Magistrate Level, Karur as against the petitioner/4th accused for the offence under Section 138 r/w 142 of the Negotiable Instruments Act.

2. The learned counsel for the petitioner would submit that the petitioner was arrayed as fourth accused. According to the complaint, he has been falsely implicated as accused only on the ground that he is supervising the day-to-day affairs of the first accused/partnership firm. He is father-in-law of the second accused and father of the third accused. Except this relationship, he is nothing to do with the allegations as alleged by the prosecution. Even, according to the respondent/Defacto complainant, to fulfill the legal enforceable debt, the first accused has issued a cheque in favour of the respondent. The first accused partnership firm consisting six partners in which the petitioner is not a partner. Therefore, he sought for quashing the entire proceedings.

3. The learned counsel appearing for the respondent would submit that the first accused firm issued a cheque to fulfill legal enforceable debt in favour of the petitioner and the same was presented for collection with their bank. To the shock and surprise, the cheque was returned and dishonored for the reason that the funds insufficient. After causing statutory notice to all the accused person and initiated proceedings under the Negotiable Instruments Act. He would further submit that on receipt of the statutory



notice, the petitioner did not even reply.

4. Heard Mr.R. Thangapandian, learned counsel appearing for the petitioner and Mr. S.R. Anbarasu, learned counsel appearing for the respondent.

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5. In view of the above submissions, all the points will be considered during the trial only. There are totally four accused persons in which the petitioner was arrayed as fourth accused and he has been implicated in the capacity of supervising day-to-day affairs of the partnership firm, namely, first accused. Except this allegation, there is no other allegations as against the fourth accused. On perusal of the partnership firm deed, there are totally six partners in which the petitioner is not a partner and he is father-in-law of the second accused and father of the third accused. Except this relationship, no way connected with the partnership. He never supervise the day-to-day affairs of the partnership firm. Without considering this facts and circumstances, the learned Magistrate has taken cognizance as against the petitioner also. Therefore, the complaint cannot be sustained as against the petitioner.

6. In view of the above discussions, the Criminal Original Petition is allowed and the private complaint filed by the respondent/complainant in C.C. No.921 of 2017, on the file of the Fast Track Court, Magistrate Level, Karur is quashed insofar as the petitioner is concerned. Since the proceeding is pending from 2017, the trial Court is directed to complete the trial, within a period of **Three (3) Months**, from the date of receipt of copy of the order. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

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To

1. The Fast Track Court,
Judicial Magistrate Level, Karur.

+1CC TO MR.R.THANGAPANDIAN, Advocate Sr. No. 87152

Crl.O.P. (MD) No. 2276 of 2018
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