



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.09.2019

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl OP(MD)No.11060 of 2014

and

Crl MP(MD)No.1 of 2014

WEB COPY

1.K.Rajendran

Proprietor, South Indian Gas Agencies (P) Ltd.,
No.41/16, 1st Floor, Varadarajan Mudali Street,
Muthurangan Salai, T.Nagar,
Chennai - 600 017.

2.R.Senthilkumar

... Petitioners / Accused 1 & 2

Vs.

K.Saravanan

... Respondent/ Complainant

Prayer : Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records relating to the case in STC No.47 of 2014 on the file of the Judicial Magistrate (Fast Track Court No.I), Nagercoil, quash the same.

For Petitioners : Mr.B.Brijesh Kumar

For Respondent : MrK.Vamanan

ORDER

The petitioners wants this Court to quash the impugned proceedings in STC No.47 of 2014 on the file of the Judicial Magistrate (Fast Track Court No.I), Nagercoil. It is a case arising under Section 138 of the Negotiable Instruments Act. This Court had a look at the complaint cheque. The complaint cheque was drawn against an account maintained only by the first petitioner K.Rajendran. It is not the cheque standing in the name of the company or firm. Therefore, it is only the signatory of the cheque alone who should have been prosecuted. The second petitioner is only his son. Therefore, arraying the second petitioner as an accused is a clear abuse of process.

2.In this view of the matter, the impugned proceedings stand quashed as far as the second petitioner is concerned. The first petitioner has raised certain contentions for quashing the impugned proceedings against him also. But then, those defences will have to be established only in a regular trial.



Accordingly, this criminal original petition stands dismissed as far as the first petitioner is concerned. It is made clear that this Court has not gone into the merits of the matter. All the defences available to the first petitioner are left open. Consequently, connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar (CS)

Skm

To

The Judicial Magistrate (Fast Track Court No.I), Nagercoil.

+1 CC to M/s.B. BRIJESH KISHOR, Advocate (SR-85195[F] dated 05/09/2019)

CrI OP(MD)No.11060 of 2014

and

CrI MP(MD)Nos.1 & 2 of 2014

04.09.2019

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