



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 17.09.2019
CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl OP(MD)No.20055 of 2014
and
MP(MD)Nos.1 & 2 of 2014

1.The Additional Chief Educational
Officer,
Sarva Shiksha Abhiyan Scheme,
Thoothukudi.

2.The Assistant Project Officer/
Assistant Programme Officer i/c,
Sarva Shiksha Abhiyan Scheme,
Thoothukudi.

... Petitioners / Accused 1 & 2

Vs.

B.Nagason Prabhu

... Respondent / Complainant

Prayer : Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to the private complaint in C.C No.193 of 2014 on the file of the Judicial Magistrate, Fast Track Court (Magisterial Level), Thoothukudi dated 13.06.2014 and quash the same as illegal.

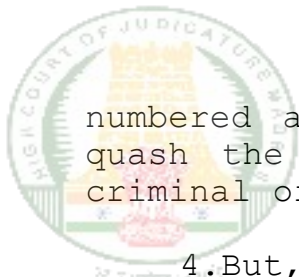
For Petitioners : Mr.T.Lajapathi Roy
For Respondent : Mr.S.Siva Ilayaraja

ORDER

The respondent is running a digital studio at Thoothukudi. He is said to have carried out certain works for Sarva Shiksha Abhiyan Scheme based on the instructions given by the then officers. He also claims that the cheque in question was issued in his favour for a sum of Rs.1,87,500/-. When the same was presented for collection, it was dishonored. After issuing the statutory notice, he filed a private complaint under Section 138 of the Negotiable Instruments Act, 1881 and the same was taken on file in C.C No.193 of 2014. To quash the same, this criminal original petition has been filed.

2.Heard the learned counsel on either side.

3.It is seen that in the complaint nobody has been named in person. The accused have been referred only by their official designation. It is not known as to how the complaint itself was



numbered and taken on file. Therefore, I have no hesitation to quash the impugned complaint. The same stands quashed. This criminal original petition is allowed.

4. But, that cannot be the end of the matter. The petitioners represent the Government. The respondent is said to have carried certain contract works for the government project. If that be so, the respondent cannot be left high and dry. The present officers are directed to go through the relevant file and pass appropriate orders with regard to the entitlement of the respondent. Such an order shall be passed within a period of six weeks from the date of receipt of a copy of this order. Based on the said proceedings, the respondent herein can workout his rights in the manner known to law. Connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

Sub Assistant Registrar (CS)

Skm

Copy to:

The Judicial Magistrate,
Fast Track Court, (Magistrate Level),
Thoothukudi

+1 CC to Mr.S.SIVA ILAYARAJA, Advocate (SR-87342[F] dated 18/09/2019)

+1 CC to Mr.T.LAJAPATHI ROY, Advocate (SR-87518[F] dated 18/09/2019)

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MK (12.12.2019) 2P 4C