



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.10.2019

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl OP(MD)No.5755 of 2015

and

MP(MD)No.1 of 2015

WEB COPY

Lakshmi

... Petitioner / Accused No.3

**Vs.**

M/s.Kail Limited  
Kitchen Appliance India Ltd.,  
Authorized Representative by  
Pravin Bhauran Randive,  
C6, Ashok Steel Compound,  
159, CST Road, Kalina  
Santacruz (E), Mumbai - 400098.

... Respondent / Complainant

**Prayer :** Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records in STC No.14 of 2015 on the file of the Fast Track Court at Magisterial Level, Thanjavur and quash the same so far as the Accused No.3 is concerned.

For Petitioner : Mr.A.Arun Prasad

For Respondent : Mr.R.Manimaran

**ORDER**

The respondent instituted a private complaint under Section 138 of the Negotiable Instruments Act against M/s.Shree Associates and its partners before the court of Metropolitan Magistrate, 28<sup>th</sup> Court at Esplanade, Mumbai. Following the judgment of the Hon'ble Supreme Court in Crl.A No.2287 of 2009 (***Dashrath Rupsingh Rathod vs State Of Maharashtra***), the case was transferred from Mumbai to Tanjore and renumbered as STC No.14 of 2015 on the file of the Fast Track Court at Magisterial Level, Thanjavur. To quash the said proceedings as far as the petitioner herein is concerned, this Criminal Original Petition has been filed.

2.The case was filed in March 2015. We are in now October 2019. In the meanwhile, the statute itself was amended to overcome the effect of the aforesaid decision of the Hon'ble Supreme Court. As a result, the case is to be re-transferred



from Fast Track Court at Magisterial Level, Thanjavur to Metropolitan Magistrate, 28<sup>th</sup> Court at Esplanade, Mumbai. In this view of the matter, this Criminal Original Petition is not maintainable before this Court.

3. Hence, leaving open all the contentions and defences of the petitioner, the petition is dismissed. It is of course open to the petitioner to file a quash petition before the Bombay High Court. Connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CRL.SIDE)

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Sub Assistant Registrar(CS)

Skm

To

1.The Fast Track Court Judge at Magisterial Level,  
Thanjavur.

2.The Metropolitan Magistrate, 28<sup>th</sup> Court at Esplanade, Mumbai.

**Crl OP(MD)No.5755 of 2015**

**and**

**MP(MD)Nos.1 & 2 of 2015**

**15.10.2019**

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