



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.11.2019

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P.(MD)Nos.8289 to 8293 and 8298 of 2015
and
M.P.(MD)Nos.1,1,1,1,1,1,2,2,2,2, 2 and 2 of 2015

1. Kaliraj,
S/o.Krishnasamy,
Director:Shri Renuga Textiles Ltd.,
87, Cumbum Road, Theni - 625 531.
2. Vasudevan,
S/o.Ramakrishnan Kuppusamy,
Director - Shri Renuga Textiles Ltd.,
87, Cumbum Road, Theni - 625 531.
3. L.Kamala Kannan,
S/o.R.N.Lakshmanan,
Director: Shri Renuga Textiles Ltd.,
No.45-A, N.R.T.Road,
N.R.T.Nagar, Theni - 625 531.
4. J.Ramnarayanan,
S/o.R.N.Jagadeesan,
Director : Shri Renuga Textiles Ltd.,
87, Cumbum Road,
Theni - 625 531. ... Petitioners/Accused Nos.3 to 6
in all petitions

Vs.

S.Meena Bharathi,
W/o.R.Seviappan,
Proprietrix:Meena Colors,
22, Konganagiri 4th Street,
B.N.V.Nagar West, College Road,
Tirupur - 641 602.
Represented by Power Agent/Sales Executive,
A.Ambalavanan,
S/o.A.Andiappan,
7, Stanes Road, 2nd Street,
Odakkadu,
Tirupur - 641 602. ... Respondent/Complainant
in Crl.O.P.(MD)No.8289 of 2015



Sivasakthi Marketing Private Ltd.,
No.5, G.M.Complex,
19, Agilmedu 6th Street, Sait Colony,
Erode -1,
by its Managing Director,
S.K.Siddhuraj,
Represented by his Power Agent/Manager,
M.Ramachandran, S/o.R.Mani,
163/7, Kumaran Arcade,
II Floor, Axis Bank Building,
Perunthurai Road, Erode - 11.

... Respondent/Complainant
in Crl.O.P.(MD)No.8290 of 2015

Sri Vishnu Colours,
Represented by its Partner,
G.Kannan, S/o.Govindasamy,
35(1)/23-24, Kongu Nagar Extension 3rd Street,
(Opp.) Kongu Nagar Post Office,
Tirupur - 641 607.

... Respondent/Complainant
in Crl.O.P.(MD)No.8291 of 2015

Sivasakthi Chemicals,
Rep. by its Partner S.K.Siddhuraj,
G.M.Complex,
19, Agilmedu 6th Street, Sait Colony,
Erode - 1,
Represented by his Power Agent/Manager,
M.Ramachandran, S/o.R.Mani,
163/7, Kumaran Arcade,
II Floor, Axis Bank Building,
Perunthurai Road, Erode - 11.

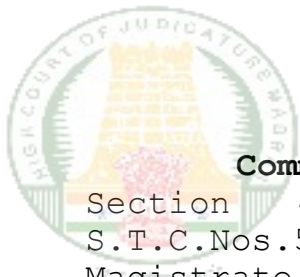
... Respondent/Complainant
in Crl.O.P.(MD)No.8292 of 2015

Venkey's Colour-Chem,
Rep. by its Partner,
R.Ravi, S/o.P.Ramasamy,
No.369-C, Palladam Road,
Behind Canara Bank Main Branch,
Tirupur - 641 604.

... Respondent/Complainant
in Crl.O.P.(MD)No.8293 of 2015

Ammaan Text Chem,
Rep. by its Partner: G.Chezhian,
S/o.K.R.Ganesan,
No.75, Classic Polo (Opp) Puliyaamara Thottam,
Karuvam Palayam, Mangalam Road,
Tirupur.

... Respondent/Complainant
in Crl.O.P.(MD)No.8298 of 2015



Common Prayer: Criminal Original petitions are filed under Section 482 of Cr.P.C, to call for the records in S.T.C.Nos.50,51,52,53,54 and 59 of 2015 on the file of the Judicial Magistrate, Fast Track Court, Theni and quash the same.

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(Prayer is amended vide order dated 13.11.2019 in Crl.M.P. (MD)Nos.8946 to 8952 of 2019)

(in all Crl.O.Ps.)

For Petitioners : Mr.C.Muthusaravanan

For Respondent : Mr.P.Pethu Rajesh

C O M M O N O R D E R

The petitioners herein are facing trial in S.T.C.Nos.50,51,52,53,54 and 59 of 2015 on the file of the Judicial Magistrate, Fast Track Court, Theni, for the offence under Section 138 of the Negotiable Instruments Act.

2. The petitioners' counsel would admit that there are *prima facie* averments against the first petitioner and the third petitioner(Shri.Kaliraj and Shri.Kamala Kannan). He seeks leave to withdraw these petitions as far as the they are concerned.

3. Permission is granted.

4. These petitions stand dismissed as withdrawn as far as the first petitioner Shri.Kaliraj and the third petitioner Shri.Kamala Kannan are concerned. It is made clear that their contentions and defences are left open. Their personal appearance before the Court below is dispensed with. The learned trial Magistrate shall insist on the personal appearance of petitioners 1 and 3 only when it is absolutely necessary and imperative. Petitioners 1 and 3 shall be called upon to appear in person before the trial Court at the time of answering the charges and at the time of examination under Section 313 of Cr.P.C., and at the time of pronouncement of Judgment. On all other occasions, petitioners 1 and 3 can be represented through their counsel.

5. Coming to Shri.Vasudevan who is figuring as the second petitioner in all these petitions, though he was also one of the Directors of the Company, it is seen that he was a nominee Director nominated by the IDBI Bank. To make the nominated Director to face the criminal trial for the offence committed by the principal accused is rather preposterous. Therefore, continuance of the impugned prosecutions against the second petitioner can only be an abuse of legal process. In this view of the matter, the impugned prosecutions stand quashed as far as Shri.Vasudevan, second petitioner is concerned.



6. The fourth petitioner Shri.Ramnarayan has been shown as a Director. The petitioners' counsel states that Shri. Ramnarayan was never a Director at any point of time. There is nothing on record to indicate that Shri.Ramnarayan was the Director of the accused Company. He has been roped in only on the footing that he is the Director. This has been shown to be erroneous.

7. In this view of the matter, the impugned prosecutions stand quashed as far as the fourth petitioner Shri.Ramnarayan is concerned. The criminal original petitions stand partly allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

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Sub Assistant Registrar(CS)

pmu

To:

1. The Judicial Magistrate,
Fast Track Court, Theni.

+1 CC to M/s.C. MUTHU SARAVANAN, Advocate (SR-98031[F] dated 13/11/2019)

Crl.O.P.(MD)Nos.8289 to 8293 and 8298 of 2015 and
M.P.(MD)Nos.1,1,1,1,1,1,2,2,2,2, 2 and 2 of 2015
13.11.2019

SDS(18/05/2020) 4P 3C