



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.10.2019

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P.(MD).No.16527 of 2017

and

Crl.M.P.(MD) Nos.10936 & 10937 of 2017

S.Amarnath

... Petitioner/Sole Accused

vs.

R.Ramesh

Rep. through his

power agent Mr.N.Palpandi

... Respondent/ Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to call for the entire records relating to the case in S.T.C.No.179 of 2016 on the file of the learned Judicial Magistrate, Fast Track Court No.II (Magisterial level), Madurai and quash the same

For Petitioner : Mr.S.Thangaraj

For Respondent : No Appearance

O R D E R

This Criminal Original Petition has been filed to call for the entire records relating to the case in S.T.C.No.179 of 2016, pending on the file of the learned Judicial Magistrate, Fast Track Court No.II (Magisterial level), Madurai and quash the same.

2. The main ground that has been raised in this petition is, admittedly a cheque was given for and on behalf of the Partnership firm named M/s City Cini Creations but the Partnership firm has not been made as an accused in this case. The facts of the present case is squarely covered by the judgment made in **N.Elangovan vs. C.Ganesan** reported in **2014 (4) MLJ (Cr1) 517** and **Rangabashyam and Others vs. Ramesh** reported in **2019 (2) LW (Cr1) 291**.

3. The present private complaint, without making the Partnership firm as an accused is not maintainable and the proceedings itself is an abuse of process of Court.

4. In the result, the proceedings in S.T.C.No.179 of 2016, pending on the file of the learned Judicial Magistrate, Fast Track Court No.II (Magisterial level), Madurai is hereby quashed and accordingly, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (w)

// True Copy //

Sub Assistant Registrar(CS)



To

1. The Judicial Magistrate,
Fast Track Court No.II (Magisterial level),
Madurai.

2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

1 CC to M/s.S.THANGARAJ, Advocate (SR-94738[F] dated 25/10/2019)

sts /sma/29/11/19/2p/4c

Order made in
Crl.O.P. (MD) .No.16527 of 2017
Dated:24.10.2019