

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.01.2020

CORAM:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.O.P.No.12721 of 2013 and
M.P.No.1 of 2013

M/s.Sri Krishna Transport,
Rep. by its Partner, Ravi @ K.Ravindran,
No.4, 1st Cross, Rameswara Temple Building,
Chamrajpet, Bangalore-560 018.

... Petitioner

Vs.

1. C.Ramesh Babu
Proprietor,
Sree Thirumala Lorry Transport,
No.1/167 GST Road,
Karanodai, Chennai-600 067.

2. Sudha

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records in C.C.No.215 of 2012 on the file of the learned Judicial Magistrate No.II, Ponneri, Tiruvellore District and quash the proceedings therein insofar as the petitioner herein is concerned.

For Petitioner : Mr.G.Mohanakrishnan

For Respondents : Mr.M.Ganesan for R1-No Appearance

ORDER

The first respondent filed a private complaint against the petitioner and the second respondent under Section 200 of Cr.P.C for the offence punishable under Section 138 of Negotiable Instruments Act (in short 'the NI Act') before the learned Judicial Magistrate No.II, Poneeri. The learned Magistrate taken cognizance of the complaint in C.C.No.215 of 2012. During pendency of the above case, A1 has filed the present petition seeking to quash the case against him.

2 The learned counsel appearing for the petitioner would submit that there is no transaction between the petitioner and the first respondent/complainant and the second respondent was doing business in the name and style of Sree Thirumala Lorry Transport and he with connivance of the second respondent

foisted false case against this petitioner. There is no connection between the petitioner and the first respondent and this petitioner is no way connected with the alleged issuance of the cheque. In the complaint itself it was stated the second accused issued the disputed cheque, from which it is clear that this petitioner is no way connected with the alleged transaction and hence the present case against this petitioner is liable to be quashed.

3 None appeared on behalf of the respondents. Heard the learned counsel appearing for the petitioner and perused the records available on record.

4 This Court has carefully gone through the complaint filed by the first respondent/complainant. On reading of the complaint, prima facie there is allegations against this petitioner also and therefore it is for the petitioner to prove its innocence before the Court below during trial by rebutting the statutory presumption. Hence, this court is not inclined to invoke power under Section 482 of Cr.P.C. and quash the case against the petitioner.

5 Accordingly, this criminal original petition is dismissed. Consequently, connected miscellaneous petition is closed. However, the petitioner is at liberty to raise all its defence before the trial Court.

Sd/-

Assistant Registrar (C.S.IV)

/True Copy/

Sub Assistant Registrar

To

The Judicial Magistrate No.II, Ponneri.

AKM/11.03.2020/2P-2C /

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