

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.01.2020

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Cr1.O.P.No.22429 of 2013

Mrs.Ravia Aejaaz

... Petitioner

Vs.

1.Rajesh Singhi
Proprietor
M/s.Navochem Corporation
Represented by his Power Agent
D.Yuvaraj

2.M/s.Irbaz Leather Pvt. Ltd.,
Represented by Aejaaz Ahmed Abdul Khalick

3.Mr.Aejaaz Ahmed Abdul Khalick
Director, M/s.Irbaz Leather Pvt.Lt.,

... Respondents

Prayer:

Petition filed under Section 482 of Cr.P.C., seeking to call for the records pertaining to the proceedings in C.C.No.2425 of 2013 on the file of the II Metropolitan Magistrate (FTC-I) Egmore at Chennai and quash the same.

For Petitioner : Mr.Mohammed Fayaz Ali
For Respondents : Mr.V.Bhiman for R1

O R D E R

This criminal original petition has been filed seeking to call for the records pertaining to the proceedings in C.C.No.2425 of 2013 on the file of the learned II Metropolitan Magistrate (FTC-I), Egmore at Chennai and to quash the same.

2.The second respondent/ first accused is a private limited company incorporated under the provisions of the Indian Companies Act and is carrying on business at No.2, Kilpauk Garden, I Street, Kilpauk, Chennai and it is represented by the third respondent/ second accused. The petitioner is the wife of the third respondent and she is arrayed as the third accused in

the case in C.C.No.2425 of 2013. The first respondent/complainant is the suppliers and distributors of dyes and chemicals.

3.It is alleged that during the course of business, the third respondent/ second accused issued cheque on behalf of the second respondent/ first accused in favour of the first respondent/ complainant and the said cheque was dishonoured and hence, the complainant preferred a complaint for the offence punishable under Section 138 of the Negotiable Instruments Act in C.C.No.2425 of 2013 on the file of the learned II Metropolitan Magistrate (FTC-I), Egmore at Chennai, implicating the petitioner as one of the accused. Challenging the same, the petitioner/ third accused has preferred this petition.

4.The learned counsel appearing for the petitioner would submit that though the petitioner is cited as one of the Director of the company, she do not have any active participation in the day to day affairs of the company and only for name sake, she was added as Director of the said company for running the business. He would further submit that no proof was filed by the complainant to show the active participation of the petitioner in the day to day affairs of the company and would further submit that only the second accused have active participation in the day to day affairs of the first accused company.

5.Mr.V.Bhiman, learned counsel appearing for the first respondent would fairly concede that he do not want to pursue the complaint in respect of the petitioner herein. He would further submit that this Court may issue direction to the Trial Court to expedite the trial and complete the same, without being influenced by any of the observation made by this Court in this order, within a period of three months from the date of receipt of a copy of this order.

6.In view of the above, the complaint in C.C.No.2425 of 2013 on the file of the the learned II Metropolitan Magistrate (FTC-I), Egmore at Chennai, is quashed, only in respect of the petitioner herein/ third accused.

7.This Court directs the learned II Metropolitan Magistrate (FTC-I), Egmore at Chennai, to expedite the trial in C.C.No.2425 of 2013 and complete the same, without being influenced by any of the observation made by this Court in this order, within a period of three months from the date of receipt of a copy of this order.

8.This criminal original petition is accordingly allowed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

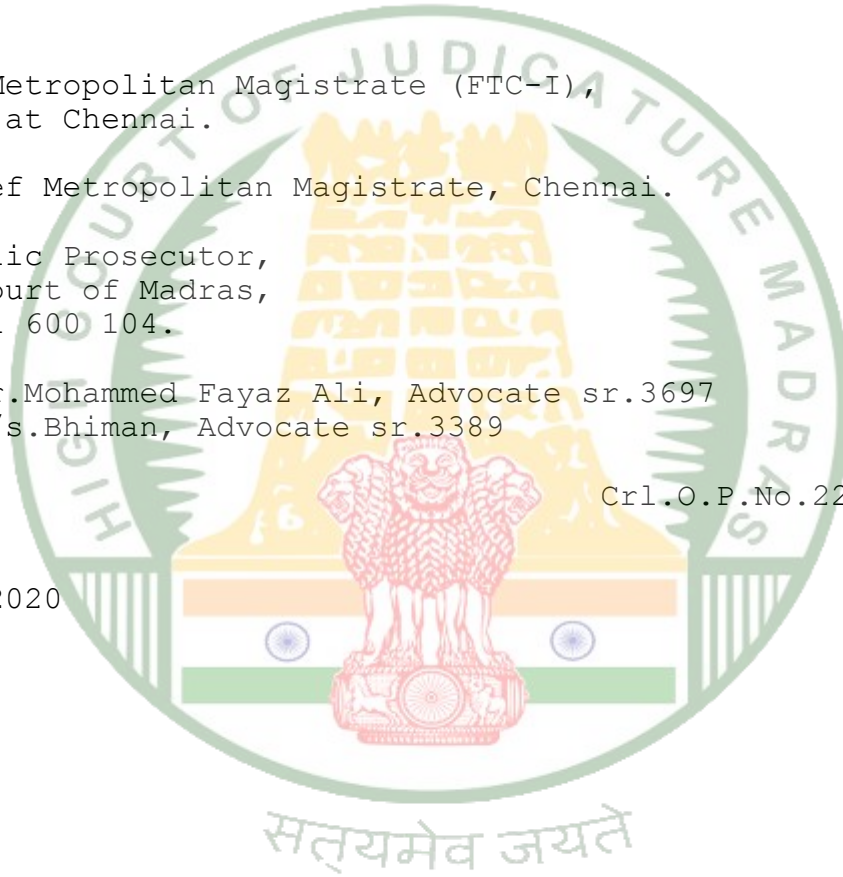
To

- 1.The II Metropolitan Magistrate (FTC-I),
Egmore at Chennai.
- 2.The Chief Metropolitan Magistrate, Chennai.
- 3.The Public Prosecutor,
High Court of Madras,
Chennai 600 104.

+1cc to Mr.Mohammed Fayaz Ali, Advocate sr.3697
+1cc to M/s.Bhiman, Advocate sr.3389

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