

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.03.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.22661 of 2018  
and Crl.MP.Nos.12574 & 12575 of 2018

R.Soundari ... Petitioner/Accused 3

Vs

1. M/s.Win Classic Textiles  
A. Proprietor concern by its Proprietor  
M.Ravi  
...1<sup>st</sup> Respondent/ Complainant
2. Shivani Incorps a Partnership firm  
represented by its Partner / Authorised Signatory  
V.P.Sivakumar
3. V.P.Sivakumar
4. M.S.Sivakumar ... Respondents/Accused 1,2,  
and 4

Prayer :- Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records and quash the complaint and all further proceeding in C.C.No.44 of 2018 on the file of Fast Track Court No.I, (Magistrate Level), Coimbatore against them.

For Petitioner : Mr.O.Selvam

सत्यमेव जयते  
O R D E R

This petition has been filed to quash the proceedings initiated under Section 138 of Negotiable Instruments Act in C.C.No.44 of 2018 on the file of Fast Track Court No.I, (Magistrate Level), Coimbatore against the petitioner.

2. The learned counsel for the petitioner has submitted that the petitioner is not an authorised signatory to the said company and there is absolutely no specific averments and allegations made against the petitioner in the complaint. Therefore, the petitioner/A3 seeks to quash the entire proceedings pending against her.

3. It is seen from the complaint that the 1<sup>st</sup> accused is a partnership firm represented by one of its partners and other respondents 2 to 4 were partners. He further submitted in para-4 of the complaint in C.C.No.44 of 2018 that there are specific allegations as against the petitioner/A3. It shows that the 1<sup>st</sup> accused is mainly a partner of the partnership firm and other partners are looking out day to day affairs of the partnership firm.

4. The learned counsel for the petitioner further submitted that the 1<sup>st</sup> accused along with other partners, purchased materials from the complainant and thereafter, towards the repayment amount, he issued a cheque to the defacto complainant. When the defacto complainant put the cheque for collection it was returned as "insufficient funds". Therefore the present petition has been filed only by the petitioner/A3 seeking to quash the proceedings.

5. Considering the above facts and that apart when the petition came up for admission on 24.09.2018 no one has represented on behalf of the petitioner and after a period of two years, this case has been listed today.

6. For the above reason, this Criminal Original Petition is dismissed. However, the trial Court is directed to complete the trial within a period of six months from the date of receipt of a copy of this Order. Consequently, connected Miscellaneous Petitions are also closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

drl

To

1. The Fast Track Court No.I,  
(Magistrate Level),  
Coimbatore.  
+2ccs to Mr.O.Selvam, Advocate, Sr.No.22004

CrI.O.P.No.22661 of 2018

and

CrI.MP.Nos.12574 & 12575 of 2018

KK(CO)  
GS(22/07/2020)