



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.06.2020

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

**Crl.O.P(MD)No.9301 of 2018
and
Crl.M.P. (MD)No.4059 of 2018**

1.M.Durai Nachimuthu
2.Prithiviraj

... Petitioners

Vs.

Cheran Spinning Mills (P) Ltd.,
D.No.7, Karur Road,
Minukkampatti Post,
Vedasandur Taluk,
Dindigul District,
Rep. through its Administrative Officer
M.Selvaraj.

... Respondent

Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records pursuant to the C.C.No.592 of 2017 on the file of the learned Judicial Magistrate No.II, Dindigul and quash the same.

For Petitioners : Mr.G.Thalaimutharasu

For Respondent : Mr.C.M.Arumugam

O R D E R

This criminal original petition has been filed to quash the proceedings in C.C.No.592 of 2017 on the file of the learned Judicial Magistrate No.II, Dindigul. It is a private complaint filed by the respondent herein for the offence under Section 138 r/w. 142 of Negotiable Instruments Act.

2.The learned counsel appearing for the petitioners reiterated all the contentions set out in the memorandum of grounds. The learned counsel appearing for the respondent submitted that no case has been made out for quashing the impugned proceedings.

3.I carefully considered the rival contentions and went through the materials on record. It is seen that the cheque in question that is the subject matter of the complaint is an individual cheque



drawn on the individual account of the second petitioner/Prithiviraj. Therefore, it is only Prithiviraj who has to face the music and the first petitioner herein cannot be arrayed as an accused.

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4. In this view of the matter, the impugned proceedings stand quashed as far as the first petitioner is concerned. The criminal original petition is partly allowed. The personal appearance of the second petitioner is dispensed with. He has to appear only on those occasions when his presence is necessary and imperative and on all other occasions, he can be represented by his counsel. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To:

The Judicial Magistrate No.II,
Dindigul.

+1 CC to M/s.G.THALAIMUTHARASU, Advocate (SR-13097[F] dated 04/06/2020)

CrI.O.P(MD)No.9301 of 2018

04.06.2020

NR(11.06.2020) 2P 3C