

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.02.2021

CORAM

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

Crl.O.P No.1173 of 2019
and
Crl.M.P No.766 of 2019

Pushpakumar

...Petitioner

Vs

M/s.ICICI Bank Limited
ICICI Bank Towers
Rep. by its POA Mr.Moorthy
Regional Office at No.24, South Phase
Ambattur Industrial Estate,
Ambattur, Chennai-600 058

...Respondent

PRAYER : Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records in C.C.No.794 of 2018 on the file of the Judicial Magistrate, Fast Track Court, Ambattur, Tiruvallur District and quash the same.

For Petitioner : Mr.P.J.Rishikesh

For Respondent : Mr.T.Muruganantham

O R D E R

This petition has been filed to quash the proceedings in C.C No.794 of 2018 on the file of the Judicial Magistrate, Fast Track Court, Ambattur.

2. The respondent has filed a complaint under Section 138 of Negotiable Instruments Act. In the complaint, even the name of the petitioner has not been properly described and it merely describes as Mrs.Pushpa Kumar. The actual name of the petitioner is V.Deepa Pushpakumar.

3.The complaint proceeds on the basis that A1 is a partnership firm and it is represented by partners. Whereas, the records furnished from the ROC (Registrar of Companies) shows

that A1 is a private limited company. It is also seen that the petitioner is not even a director in this company. A bald averment has been made against the petitioner in the complaint and it is not even clear from the complaint as to why the petitioner has been added as an accused. A cheque was issued by A1 and it has been signed by one Pushpakumar. Without there being, any allegations made against the petitioner and without establishing that the petitioner was also incharge and responsible for the day-to-day-affairs of the company, the continuation of the proceedings against the petitioner will amount of an abuse of process of Court which requires the interference of this Court.

4. In the result, the proceedings in C.C No.794 of 2018 on the file of the Judicial Magistrate, Fast Track Court, Ambattur, Tiruvallur District, is hereby quashed insofar as the petitioner is concerned. Accordingly, this Criminal Original Petition is allowed. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Judicial Magistrate,
Fast Track Court,
Ambattur, Tiruvallur District,

+1cc to Mr.P.J.Rishikesh, Advocate, sr no.8158

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MG(CO)
RMP(09/03/2021)

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