



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 24.11.2021

C O R A M

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

CrI. O.P. No.11164 of 2017

&

CrI.M.P.No.7373 of 2017

Ananda Sivan Archana

... Petitioner

Versus

Mrs.J.Girija

... Respondent/Complainant

Criminal Original Petition filed under Section 482 of Cr.P.C. to call for the records in S.T.C.No.70 of 2017 pending on the file of Judicial Magistrate No.I, Poonamallee and quash the same.

For Petitioner ... Mr.J.Daniel

For Respondent ... Mr.R.Munuswamy

C O M M O N O R D E R

This Criminal Original Petition has been filed to quash case in S.T.C.NO.70 of 2017 pending on the file of Judicial Magistrate No.I, Poonamallee.

2. Heard the learned counsel for the petitioner.

3. It is submitted by the learned counsel for the petitioner that the amount has been borrowed only for the day today affairs of the company, however, the company has not been made as a party and therefore, the proceedings initiated against the present petitioner is not maintainable and is liable to be quashed.

4. A perusal of the complaint will reveal that though the amount was borrowed only by the husband of the petitioner, the cheque was issued by the petitioner. In fact, the private complaint is not launched against the company, but in the individual capacity. Therefore, making the company as an accused will not arise at all. In any event, it is open to the petitioner to raise all legal grounds before the trial Court.



Accordingly, the instant criminal original petition is dismissed. The trial Court is directed to dispose of S.T.C.No.70 of 2017 within a period of six months from the date of receipt of a copy of this order. Consequently, the connected miscellaneous petition is closed.

Sd/-  
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

gba/gpa

To

The Judicial Magistrate No.I,  
Poonamallee

+1cc to Mr.R.Munuswamy, Advocate, S.R.No. 60821

Cr1. O.P. No.11164 of 2017 &  
Cr1.M.P.No.7373 of 2017

RR(CO)  
CT 06/12/2021