



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.09.2021

CORAM:

THE HONOURABLE MR. JUSTICE G.ILANGOVAN

CRL OP (MD) No.14457 of 2021

and CRL MP(MD) Nos.7599 & 7600 of 2021

WEB COPY

B.Ramachandran,
S/o. N.R.Balakrishnan,
The Director - M/s.IEL Finex Private Limited,
... Petitioner/ Accused No.3

-Vs-

Sarvesh Apparels
Represented by its Proprietor
NMS. Jaikumar
... Respondent/Complainant

PRAYER: The Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to the proceedings of the complaint in STC.No.20 of 2020 pending on the file of the learned Judicial Magistrate No.1 (Fast Track Court at Magistrate Level) Madurai and quash the same as against the petitioner/accused No.3.

For Petitioner : Mr.G.Mariappan

O R D E R

This petition has been filed seeking quashment of proceedings of the complaint in STC.No.20 of 2020 pending on the file of the learned Judicial Magistrate No.1 (Fast Track Court at Magistrate Level) Madurai.

2.The petitioner has been arrayed as an accused in S.T.C.No.20 of 2020. The case has been registered on the basis of the dis-honoured cheque that has been issued by the petitioner. The accused have issued a cheque drawn on Karur Visya Bank Limited, Chidambaram Branch favouring the complainant towards the discharge of the business liability to the due of Rs.4.25 lakhs. When the same was presented for collection before Tamil Nadu Mercantile Bank, Tallakulam Branch by the complainant, it was returned dishonoured. Hence, after completing the formalities, the case has been registered. The ground on which the petition came to be filed is that the petitioner herein is in no way involved in day to day affairs and administration of the first accused company and nowhere in the complaint, it has been stated the role played by the petitioner. So in the absence of any such averment in the complaint, the complaint is not maintainable and it has to be quashed.



3. There is a clear averment in the complaint to the effect that the petitioner is also involved in day to day affairs of the company. But in the complaint it is not mentioned that this accused has issued the cheque, but who has issued the cheque is not clear. In this petition also who issued the disputed cheque is not mentioned. It has been simply stated that this petitioner has not signed in the cheque then, who was in the actual management of the company at the time of alleged transaction and who issued the disputed cheque can be a matter for consideration before the trial Court. So without proper document before this Court, this petition cannot be entertained. The petitioner has to work out his remedy in a proper manner. He ought to have produced certified copy of the cheque to maintain this petition. He failed to do so. I find no merit in this petition.

4. Accordingly, with this above liberty this criminal original petition is dismissed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CRL)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

TM

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

The Judicial Magistrate No. I, (FTC),
Madurai.

+1 CC to M/s. G. MARIAPPAN, Advocate (SR-30564[F] dated 28/09/2021)

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ES (CO)

KB (08.10.2021) 2P 3C