



Crl.O.P.No.20784 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.07.2022

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.20784 of 2019

and

Crl.M.P.Nos.10685 & 10686 of 2019

1.Rider Distributors,
Rep.by its Partner,
Mr.Karthik.

2.P. Karthik

3.Christina Karthik

... Petitioners

Vs.

S.Mohamed Anas

... Respondent

Prayer: Criminal Original Petition is filed under section 482 of Cr.P.C., to call for the records of C.C.No.3568 of 2019 pending on the file of the Metropolitan Magistrate FTC-I, Allikulam and quash the same.

For Petitioners : Ms. S.P. Arthi

For Respondent : Mr. M. Mohamed Riyaz



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ORDER

This petition is filed by the three accused in C.C.No.3568 of 2019. Later on, as far as the second petitioner/second accused by name Karthick who is a signatory of the cheque, the petition was dismissed.

2. Now, the learned counsel appearing for the 1st and 3rd petitioners namely Rider Distributors and Christina Karthik, seeking quash of the private complaint against them.

3. The short point pleaded for consideration, is that they are neither the signatory of the cheque nor the cheque issued from the account maintained by the first petitioner namely Rider Distributors. The subject cheque issued by one Karthik in his personal capacity and therefore, the allegations in the complaint stating that the cheque was issued on behalf Rider Distributors and the third petitioner namely Christina Karthik wife of Karthik was privy to the transaction is baseless.



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4. This Court on considering the averments found in the complaint as well as the perusal of the subject cheque finds that the cheque is drawn by P.Karthick (2nd accused) in favour of Mohamed Anas (complainant) for a sum of Rs.24.50 lakhs. On the face of the said cheque, there is no indication that the cheque was issued by Karthick as the partner of Rider distributors. Therefore, except Karthick, the drawer of the cheque others may not be liable for prosecution under Section 138 of Negotiable Instruments Act.

5. Since the first accused, Rider Distributors and the third accused Christina Karthik are unconnected to the cheque, the complaint against 1st and 3rd petitioners are quashed. Accordingly, this criminal original petition is allowed. Consequently, connected miscellaneous petitions are closed.

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AT

Internet : Yes

Index : Yes/No

Speaking / Non-speaking

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Dr.G.JAYACHANDRAN,J.

AT

To

1.The Metropolitan Magistrate FTC-I, Allikulam.

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