



WEB COPY

Crl.O.P.(MD)No.4605 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.01.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P. (MD)No.4605 of 2021

and

Crl.M.P. (MD) .No.2573 of 2021

CSE Solar Sunpark Tamil Nadu Private Limited,
Flat No.401-A, Sri Guru Harikrishna Bhavan,
Dr.Charat Singh Colony,
A.K.Road, Andheri East,
Mumbai-400093.

...Petitioner/1st Accused

Vs.

D.Lenin

...Respondent/Complainant

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records from the trial Court in S.T.C.No.37 of 2021, on the file of Special Court for the Exclusive Trial of Negotiable Instruments Act Cases, Tirunelveli and quash the same as illegal in so far as against the petitioner/1st accused.

For Petitioner : Mr.A.Saravanan

For Respondent : Mr.E.S.M.Mohan Gandhi

ORDER

Heard the learned counsel for the petitioner and the learned counsel for the respondent.

2. The petitioner is figuring as A1 in S.T.C.No.37 of 2021, on the file of Special Court for the Exclusive Trial of Negotiable Instruments Act Cases, Tirunelveli. It is a private complaint instituted for the offence under section 138 but then, the cheque in question was issued by the second accused Company. The petitioner is not a signatory. The cheque in question was not drawn on the account maintained by the petitioner. Therefore looked at from any angle, the elementary ingredients of the offence under section 138 r/w 142 of NI Act are absent in this case. Therefore, the impugned proceedings stands quashed as far as the petitioner is concerned and it will of course go on as against the remaining accused. The Criminal Original Petition is allowed. Consequently the connected Miscellaneous Petition is closed.

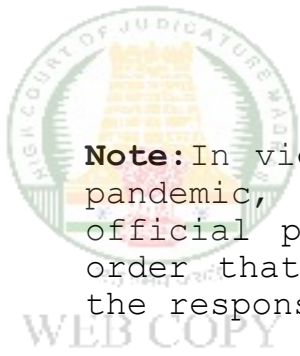
Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



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

1.The Special Court for the Exclusive Trial of
Negotiable Instruments Act Cases,
Tirunelveli.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.R.M.LOGANATHAN, Advocate (SR-3464[F] dated
01/02/2022)

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tp(CO)
GC(10.03.2022) 2P 4C