



WEB COPY

Crl.O.P.No.22232 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.11.2023

CORAM :

THE HONOURABLE Dr. JUSTICE G.JAYACHANDRAN

Crl.O.P.No.22232 of 2023
and
Crl.M.P. Nos.15451 & 15452 of 2023

1.Mrs.Subashini Senthil Kumar

2.Mrs.Vijayakumari Karuppaiya

... Petitioners

-VS-

A.A.Sivakumar

...Respondent

PRAYER : Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to the impugned complaint in S.T.C. No.4937 of 2023 pending on the file of the learned Fast Track Court -II, Allikulam, Chennai and quash the same.

For Petitioners	: Mr.R.Prabudoss
For Respondent	: Mr.T.K.S.Gandhi

ORDER

The petitioner herein is the accused in the private complaint initiated under Section 138 of the Negotiable Instruments Act, 1881. According the learned counsel for the petitioners, the petitioners and the defacto complainant



Dr.G.JAYACHANDRAN, J.

are only family members and they were made as Director of the first accused Company, they did not have any knowledge or involvement in the day to day affairs of the Company. However, on reading of the complaint, paragraphs No.12 and 13, it is specifically stated that for the debt incurred the second accused Senthilkumar gave a pro-note on behalf of the Company and thereafter, to discharge the debt of the Company, the subject cheque was issued with due consent and instructions of the 3rd and 4th accused.

2. Whiles, when there is a specific allegation that these two petitioners were consulted and only on their consent, the cheque was issued, relying upon the case of *Sunita Palita and others Vs. Panchami Stone Quarry* reported in *(2022) 3 SCC 152* does not apply to the facts of this case. Hence, the petition is dismissed. Consequently, connected Miscellaneous Petitions are also dismissed.

20.11.2023

Internet : Yes/No

Index : Yes/No

rkp

To

The Fast Track Court -II Judge,
Allikulam, Chennai.

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and

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