



Crl.O.P.(MD) Nos.17349, 17353 and 17360 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.09.2023

CORAM:

THE HONOURABLE DR.JUSTICE D.NAGARJUN

Crl.O.P.(MD) Nos.17349, 17353 and 17360 of 2023

and

Crl.M.P(MD).Nos.13766, 13768 and 13773 of 2023

Prayer in Crl.O.P(MD).No.17349 of 2023

1.Srividhya Educational and Charitable Trust,
Rep. by its Managing Trustee,
R.Thiruvankataramujadass,
S/o.N.Rengasamy Naidu,
Door No.52/139,
Kunnur High Road,
Ayyanapuram,
Chennai-600 023.

2.R.Thiruvankataramujadass

... Petitioners

Vs.

1.K.Radhakrishnan

2.Gothai Andal

1/8



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3.T.Venugopalan

4.T.Sathyanarayanan

5.T.Venkatesh

... Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to set aside the order dated 01.09.2023 passed in Crl.M.P.No.8222 of 2023 in Crl.M.P.No.5902 of 2023 by the learned Chief Judicial Magistrate Court, Virudhunagar District at Srivilliputtur by allowing this petition.

Prayer in Crl.O.P(MD).No.17353 of 2023

1.Srividhya Educational and Charitable Trust,
Rep. by its Managing Trustee,
R.Thiruvankataramujadass,
S/o.N.Rengasamy Naidu,
Door No.52/139,
Kunnur High Road,
Ayyanapuram,
Chennai-600 023.

2.R.Thiruvankataramujadass

... Petitioners

Vs.



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1.P.V.Jeyaraman

2.Gothai Andal

3.T.Venugopalan

4.T.Sathyanarayanan

5.T.Venkatesh

... Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to set aside the order dated 01.09.2023 passed in Crl.M.P.No.8233 of 2023 in Crl.M.P.No.5904 of 2023 by the learned Chief Judicial Magistrate Court, Virudhunagar District at Srivilliputtur by allowing this petition.

Prayer in Crl.O.P(MD).No.17360 of 2023

1.Srividhya Educational and Charitable Trust,

Rep. by its Managing Trustee,

R.Thiruvankataramujadass,

S/o.N.Rengasamy Naidu,

Door No.52/139,

Kunnur High Road,

Ayyanapuram,

Chennai-600 023.

2.R.Thiruvankataramujadass

... Petitioners



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Vs.

1.T.Selvan

2.Gothai Andal

3.T.Venugopalan

4.T.Sathyanarayanan

5.T.Venkatesh

... Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to set aside the order dated 01.09.2023 passed in Crl.M.P.No.8232 of 2023 in Crl.M.P.No.5905 of 2023 by the learned Chief Judicial Magistrate Court, Virudhunagar District at Srivilliputtur by allowing this petition.

In all petitions

For Petitioner : Mr.G.Mohan Kumar



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COMMON ORDER

This Criminal Original Petitions are filed challenging the orders passed by the learned Chief Judicial Magistrate, Virudhunagar District, Srivilliputtur in Crl.M.P.Nos.8222, 8232 and 8233 of 2023 in Crl.M.P.Nos.5902, 5904 and 5905 of 2023 dated 01.09.2023.

2. According to the learned counsel appearing for the petitioners, the first respondent in Crl.O.P(MD).No.17349 of 2023 has filed a complaint in C.C.No. 198 of 2021, for the offence punishable under Section 138 of Negotiable Instruments Act; the first respondent in Crl.O.P(MD).No.17353 of 2023 has filed a complaint in C.C.No.197 of 2021 for the offence punishable under Section 138 of Negotiable Instruments Act and the first respondent in Crl.O.P(MD).No.17360 of 2023 has filed a complaint in C.C.No.199 of 2021 for the offence punishable under Section 138 of Negotiable Instruments Act.

3. During the pendency of the said cases, the first respondent/defacto complainant in all the cases has filed petitions before the learned Chief Judicial



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Magistrate, Virudhunagar District, Srivilliputtur, seeking permission to serve notice to the respondents 4 and 5 therein through substitution mode. Considering the same, the trial Court has allowed, all the petitions and directed them to effect publication in a Tamil daily newspaper. The circularation of which is in the area where respondents 4 and 5 are residing last.

4. The said orders of the learned Magistrate are challenged by the petitioners herein/respondents 1 and 2 therein, by way of filing these petitions alleging that the respondents 4 and 5 therein are residing in United States America and in case if publication is effected in India, it would not serve the purpose.

5. The petitioners cannot sustain this relief for more than one reason. At the first place, the petitioners are not the aggrieved parties as they are accused Nos.1 and 2. The orders have been passed for substituting the services on the respondents 4 and 5 therein who have been carefully evading to serve the summons to the last known address. Even if the respondents 4 and 5 therein are residing in USA America and if at all the petitioners are aware of the address of



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the respondents 4 and 5 therein, they are expected to furnish the same to the Court. The petitioners cannot represent on behalf of the respondents 4 and 5 therein. From the conduct of the petitioners, it is clear that the petitioners are in contact with the respondents 4 and 5 therein and they are aware of every single development in these cases. The respondents/complainants are expected to serve the summons to the respondents 4 and 5 to the last known address. If they are not available they are entitle to take the substituted service. The petitioners have filed these petitions without any *locus* and hence liable to be dismissed.

6. In view of the above, the petitioners have no *locus standi* to challenge the order passed by the learned Magistrate.

7. Accordingly, these Criminal Original Petitions are dismissed. Consequently, connected miscellaneous petitions are closed.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No
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DR.D.NAGARJUN. J.

ssb

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