



Crl.O.P.No.26928 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 09.12.2024

Coram:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.O.P.No.26928 of 2024

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1. Mrs.Vijaya Shamundeswari
2. Mr.Rahul Raj

.. Petitioners

Vs.

M/s.Sri Thangam Exports,
Rep. by its Proprietor Mr.P.Senthil Kumar
No.8/6, 1st Floor, 5th Layout,
Railway Colony,
Adambakkam, Chennai-600 088.

.. Respondent

Criminal Original Petition filed under Section 528 of the B.N.S.S., to call for the entire records in C.C.No.282 of 2023, pending trial on the file of the Fast Track Court Judge (Magistrate Level) at Alandur and quash the same insofar as the petitioners are concerned.

For petitioner : Mr.M.Govindaraj

For respondent: No appearance

ORDER

This petition has been filed to call for the entire records in C.C.No.282 of 2023, pending trial on the file of the Fast Track Court Judge (Magistrate Level) at Alandur and quash the same insofar as the petitioners are concerned.

Page No.1/4



Crl.O.P.No.26928 of 2024

2. Despite service of notice and also printing the name of the respondent, none appears for the respondent. This Court heard the petitioner. Though admittedly, the petitioners 1 and 2 are the partners of the partnership firm, it is a registered partnership firm and only the petitioners 1 and 2 alone are the partners. A1 has issued the cheque on behalf of the firm. The present petitioner is none other than the mother of A1. She is no way connected with either the partnership firm, or the transaction. Further, she is not even signatory to the partnership firm or agent or any Authorised Signatory.

3. Admittedly, the cheque was issued by A1 on behalf of the partnership firm. The petitioners have been unnecessarily implicated in this case. A reading of the complaint filed by the respondent, shows that it is only under Section 138 of the Negotiable Instruments Act alone and even the complaint is not in respect of the offence under Section 420 IPC and therefore, in the above circumstances, the implication of the petitioners, is unwarranted.

4. Accordingly, this petition is allowed. The complaint proceedings are hereby quashed as against the petitioners herein alone. The Court below is directed to proceed with C.C.No.282 of 2023 as against the other accused persons.

09.12.2024

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Page No.2/4



Crl.O.P.No.26928 of 2024

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To

1. Fast Track Court Judge (Magistrate Level) at Alandur.
2. The Public Prosecutor, High Court, Madras.

Page No.3/4



WEB COPY



Crl.O.P.No.26928 of 2024

P.VELMURUGAN, J

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Crl.O.P.No.26928 of 2024

09.12.2024

Page No.4/4