



Crl.O.P.No.28812 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.01.2025

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

Crl.O.P.No.28812 of 2024

and

Crl.M.P.Nos.16070 & 16068 of 2024

B.Saravanan

... Petitioner

Vs

1. M.Thangavel

2. M/s.Shri Surya Constructions,
By its Proprietor,
P.Uma Shankar
3rd Cross Street, KK Thazhai,
No.NA29-75, Padavettamman Kovil,
Madavaram Milk Colony,
Chennai.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C., /528 of BNSS, to call for the records in STC No.443 of 2023 pending on the file of the learned Fast Track Judicial Magistrate No.II, Coimbatore and quash the same.

For Petitioner : Mr.Swami Subramaniam

For R1 : Mr.V.Sivakumar

For R2 : Mr.K.T.S.Sivakumar



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ORDER

This Criminal Original Petition has been filed to call for the records in STC No.443 of 2023 pending on the file of the learned Fast Track Judicial Magistrate No.II, Coimbatore and quash the same.

2. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents and perused the materials available on record.

3. Learned counsel for the petitioner submitted that the cheque was issued by the second respondent in favour of the first respondent and hence the petitioner is noway connected with the disputed cheque issued by the second respondent. One Uma Shankar, the proprietor of the second respondent company is the authorised signatory of the partnership firm. Hence, the petitioner prayed to quash the S.T.C proceedings against him.

4. On a reading of the complaint, notice, reply and the cheque, it is



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seen that the second respondent issued the cheque in favour of the first respondent. The first respondent in his complaint has stated that the second respondent who is the proprietor and authorised signatory, had issued the cheque. In the case of proprietorship concern, the authorised signatory or proprietor alone is liable to pay the cheque amount under Section 138 of the Negotiable Instruments Act. Except the authorised signatory or proprietor, no other person is liable as stipulated under Section 138 of the Negotiable Instruments Act.

5. In view of the same, STC No.443 of 2023 pending on the file of the learned Fast Track Judicial Magistrate No.II, Coimbatore, against the petitioner is quashed. Accordingly, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petitions are closed.

20.01.2025

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Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No



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To
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The Fast Track Judicial Magistrate No.II, Coimbatore



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P.VELMURUGAN, J.

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