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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 31.10.2014

CORAM

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU

Crl.OP No.89 of 2009
and
M.P.No.1 of 2009

1.M/s.Park-in-Mills Limited,
Rep. By its Proprietor,
Mr.R.Palanisamy,
"Park Avenue" 10/720,
Arulpuram (Post),
Thirupur 600 016.

2.Mr.R.Palanisamy

...Petitioners

Vs

M/s.La Freight Lift Pvt. Ltd.,
Represented by its
Executive - Accounts Mr.Prem Ananth
Having Corporate Office at
No.32 & 32A, II Cross Street,
V.G.P Murphy Square,
St. Thomas Mound,
Chennai - 600 016.

...Respondent

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records relating to the proceedings in C.C.No.10722/2008 on the file of the learned XVII Metropolitan Magistrate, Saidapet, Chennai and quash the same.

For Petitioners : Mr.R.Saravanakumar

For Respondent : Mr.Rajinish Pathyil

ORDER

Seeking to quash the case in C.C.No.10722/2008 on the file of the learned XVII Metropolitan Magistrate, Saidapet, Chennai, the petitioner has come up with this petition. The respondent is the complainant. He has filed the said case alleging that the petitioners have committed an offence punishable under Section 138 of the Negotiable Instruments Act.



2.I have heard the learned counsel for the petitioners and the learned counsel for the respondent and I have also perused the records carefully.

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3.It is a case of the petitioners that the second petitioner Mr.R.Palanisamy is not the proprietor of the first accused company. But, according to the learned counsel for the respondent, the cheque in question was issued only by the second petitioner. As of now, there is no material even to make out a case that the alleged cheque was issued only by the second petitioner.

4.As rightly submitted by the learned counsel for the respondent, it is a matter for trial on appreciating evidence. Thus, I do not find any reason to quash the proceedings. Therefore, the Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(Records)

//True Copy//

Sub Assistant Registrar

jbm

To

1.The XVII Metropolitan Magistrate,
Saidapet, Chennai.

2.-Do- Through The Chief Metropolitan Magistrate,
Egmore, Chennai - 8.

1 CC to Mr.R.Saravanan Kumar, Advocate SR.No. 51842

1 CC to Mr.Rajnish, Advocate SR.No. 51560

Cr1.OP No.89 of 2009

SKV (CO)
PSI (18.11.2014)