



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-07-2026

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

CRL OP Nos. 22101 & 22102 of 2025

AND

CRL MP NOS. 15132 & 15133 of 2025

Vishwanath Singh
S/o.Shri Jamdar Singh,
Director, Phooltas Transrail Limited,
Phulwari Shariff, Patna,
Bihar-801 506

..Petitioner

Vs

Palfinger India Pvt.Ltd
Rep by its General manager (Business
Development),
Mr.E.Vijayakumra,
having its registered office at
No.37, Varadarajapuram, Nazarethpet
Poonamallee, Chennai-600 123

..Respondent(s)

CRL OP No. 22102 of 2025

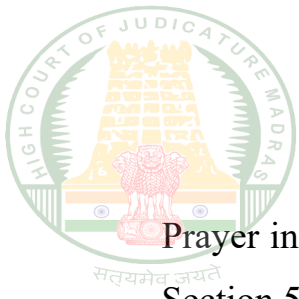
Vishwanath Singh
S/o.Shri Jamdar Singh,
Director, Phooltas Transrail Limited,Layak
Enclave (East), Sahay Nagar,
Phulwari Shariff, Patna,
Bihar-801 506

..Petitioner(s)

Vs

Palfinger Cranes India Pvt.Ltd
Rep by its Authorized Signatory
Mr.E.Vijayakumar,
having its registered office at
No.37, Varadarajapuram, Nazarethpet
Poonamallee, Chennai-600 123

..Respondent(s)



Prayer in Crl.OP.No.22101 of 2025: This Criminal Original Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, praying to call for the records and quash the proceedings in S.T.C.No.979 of 2025 on the file of the learned Metropolitan Magistrate, Fast Track Court-II, Allikulam, Chennai against the petitioner.

Prayer in Crl.OP.No.22102 of 2025: This Criminal Original Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, praying to call for the records and quash the proceedings in STC.No.976 of 2025 on the file of the learned Metropolitan Magistrate, Fast Track Court-II, Allikulam, Chennai against the petitioner.

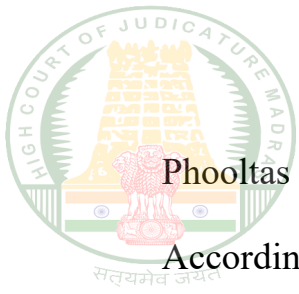
For Petitioner(s): Mr.B.A.Sujay Prasanna in both Crl.OPs

For Respondent(s): Mr.D.Ferdinand
for BFS Legal in both Crl.OPs

COMMON ORDER

These Criminal Original Petitions have been filed seeking to quash the private complaints filed under Section 200 of the Code of Criminal Procedure for the offence punishable under Section 138 of the Negotiable Instruments Act. In these petitions, the petitioner has been arrayed as Accused No. 4.

2. The sole ground on which the petitioner seeks quashment of the proceedings is that he was formerly a Director of the company, namely,



Phooltas Transrail Limited, which had issued the cheques in question.

According to the petitioner, he had resigned from the Directorship of the said

company and Form -32 had been duly filed before the Registrar of Companies.

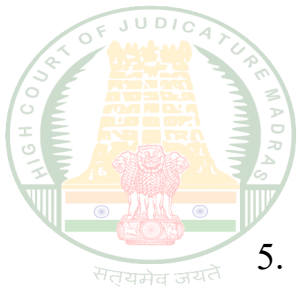
The resignation was accepted and acted upon with effect from 16.05.2023. The

cheques involved in these cases were issued subsequently on 30.06.2023,

31.07.2023, 31.08.2023, 31.12.2023 and 31.01.2024.

3. The learned counsel appearing for the respondent / complainant contended that the petitioner was a Director at the time of issuance of the cheques and, therefore, he is liable to be prosecuted. In support of the said contention, the learned counsel for the respondent placed reliance upon the decision of the Hon'ble Supreme Court in *Ashutosh Ashok Parasrampuriya and another vs. Gharrkul Industries Private Limited* reported in (2023) 14 SCC 770.

4. Per contra, the learned counsel appearing for the petitioner / accused submitted that the petitioner had ceased to be a Director much prior to the issuance of the cheques and, therefore, cannot be fastened with criminal liability. In support of the said contention, the learned counsel for the petitioner placed reliance upon the decision of the Hon'ble Supreme Court in *Vishnoo Mittal vs. Shakti Trading Company*, reported in (2025) 9 SCC 417.



5. I have considered the rival submissions made on either side and perused the materials available on record.

6. Admittedly, the petitioner has resigned from the Directorship of the company and the requisite Form - 32 had been filed before the Registrar of Companies. The same was accepted and acted upon. A certified copy downloaded from the website of the Registrar of Companies has been produced before this Court. Such a document has consistently been treated as an unimpeachable document by Courts.

7. The contention of the learned counsel for the complainant is that the petitioner was a Director at the time of issuance of the cheques. This argument cannot be accepted. What is relevant for attracting liability under Section 138 of the Negotiable Instruments Act is the stage at which the offence is completed. The offence is completed only upon the issuance of the statutory notice following dishonour of the cheque and the failure of the drawer to make payment within the prescribed period of fifteen days. Admittedly, by that time, the petitioner had already ceased to be a Director of the company and, therefore, could not have been in a position to make arrangements for payment on behalf of the company.



8. In such view of the matter, the contention of the learned counsel for the complainant cannot be accepted. Accordingly, the proceedings insofar as the petitioner is concerned in S.T.C.Nos.979 of 2025 and 976 of 2025 are quashed.

The proceedings shall, however, continue against the remaining accused in accordance with law.

9. Considering the nature of the dispute between the parties, the trial Court is requested to expedite the trial and dispose of the cases as expeditiously as possible and, in any event, within a period of one year from the date of receipt of a copy of this order.

10. Accordingly, these Criminal Original Petitions are allowed. Consequently, connected miscellaneous petitions are closed.

02-07-2026

Neutral Citation: Yes/No

av

To

The learned Metropolitan Magistrate,
Fast Track Court-II, Allikulam, Chennai.



WEB COPY

CRL OP No. 22101 of 2



D.BHARATHA CHAKRAVARTHY J.

av

**CRL OP Nos. 22101 & 22102 of 2025
AND
CRL MP NOS. 15132 & 15133 of 2025**

02-07-2026