

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 16.07.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.O.P.No.17002 of 2013
and M.P.Nos.1,2 of 2013

Anu Lodha

... Petitioner

Versus

M/s.Shriram City Union Finance Pvt. Ltd.,
Rep by Mr.N.Ganesan,
Having office at
221, Royapettah High Road,
Mylapore,
Chennai-24.

.. Respondent

Criminal Original petition filed under Section 482 of the Criminal Procedure Code praying to call for the records and quash the complaint in CC.No.1993 of 2013 on the file of the XVIII Metropolitan Magistrate, Saidapet as against the petitioner.

For Petitioner : No appearance

O R D E R

This petition has been filed to quash the proceedings CC.No.1993 of 2013 on the file of the XVIII Metropolitan Magistrate, Saidapet.

2. It is the case of the complainant that M/s.Indo International Ltd [A1] approached the complainant for loan and a sum of Rs.25lakhs was sanctioned. The accused entered into a loan agreement dated 26.09.2011 and agreed to pay the amount in 24 Equated Monthly Instalments [EMI] at Rs.1,37,222/- each. Towards the EMI, two cheques were issued by the 2nd accused/petitioner herein which when presented were dishonoured on the ground "Account Closed". The complainant issued a notice under Section 138 of Negotiable Instruments Act and thereafter, launched the present prosecution in CC.No.1993 of 2013 against M/s.Indo International Ltd. and its two directors namely, Anu Lodha [A2] and Rajesh Lodha [A3].

3. It is the case of Anu Lodha that she was not a director in the 1st accused company and that the cheques were issued as guarantee.

4. It is seen from the complaint that impugned cheques were signed by Anu Lodha and therefore, she cannot take a stand that she should be exonerated from the prosecution as regards the contention that the cheques were issued as security.

5. The Hon'ble Supreme Court in S.Krishnamurthy Vs Chellammal [2015] 4 Scale 371 has held that prosecution under Section 138 of Negotiable Instruments Act cannot be quashed when facts are in dispute. The fact that the cheque was issued as a security has to be looked into only by the Trial Court and not by this Court under Section 482 Cr.P.C.

In the result, the petition is devoid of merits and dismissed. Connected miscellaneous petition are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The XVIII Metropolitan Magistrate, Saidapet, Chennai.

2.-do- Through The Chief Metropolitan, Magistrate, Chennai.

GP(CO)
Eu 11.08.15

CRL.O.P.No.17002 of 2014

सत्यमेव जयते

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