

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.10.2016

CORAM

THE HON'BLE MR.JUSTICE P.N.PRAKASH

Crl.O.P. Nos.20096 to 20098 and 21322 of 2016

and Crl.M.P.Nos.9415, 9417, 9419, 9872 and 9873 of 2016

Kanarath Payattiyath Balaraj

Petitioner in all Crl.OPs.

vs.

M/s Tata Capital Financial Services Ltd  
Centennial Square, I Floor  
No.6A, Dr.Ambedkar Salai  
Kodambakkam, Chennai 600 024  
rep by Mr.Venkatesh Kap

Respondent in all Crl.OPs.

Criminal Original Petitions filed under Section 482, Cr.P.C. to call for the records culminating in C.C.Nos.978, 977, 979 and 980 of 2016 pending on the file of the XVIII Metropolitan Magistrate Court, Saidapet, Chennai and quash the entire proceedings in respect of the petitioner, including the cognizance taken and summons issued to the petitioner.

For petitioner Ms.Ridhima Sharma

For respondent Mr.Arunachalam

ORDER

These petitions have been filed to call for the records in C.C.Nos.978, 977, 979 and 980 of 2016 pending on the file of the XVIII Metropolitan Magistrate Court, Saidapet, Chennai and quash the entire proceedings in respect of the petitioner, including the cognizance taken and summons issued to the petitioner.

2. Heard the learned counsel for the petitioner and the learned counsel appearing for the respondent.

3. For the sake of convenience, the petitioner and the respondent will be referred to as accused and complainant.

4. The complainant has initiated prosecution in C.C.Nos.978, 977, 979 and 980 of 2016 before the XVIII Metropolitan Magistrate, Saidapet, for offence u/s 138 of the

Negotiable Instruments Act against M/s Vasan Helathcare Private Limited and five others, challenging which Kanarath Payattiyath Balaraj (A4) is before this Court for quashing the prosecution.

5. Admittedly, even going by the complaint, Kanarath Payattiyath Balaraj (A4) is a non executive nominee Director in M/s Vasan Healthcare Private Limited and apart from that, the basic allegation as required under Section 141 of the Negotiable Instruments Act is absent in the complaint.

In view of the above, these petitions are allowed and the proceedings as against the petitioner herein in C.C.Nos.978, 977, 979 and 980 of 2016 on the file of the XVIII Metropolitan Magistrate Court, Saidapet are hereby dismissed. Consequently, connected miscellaneous petitions are closed.

-s/d-  
Assistant Registrar

True Copy

Sub-Assistant Registrar

gms

To

1. XVIII Metropolitan Magistrate Court,  
Saidapet, Chennai .

2.-do- Thro The Chief Metropolitan Magistrate  
Chennai

3.The Public Prosecutor,  
High Court, Madras.

+4 ccs to Mr.M.Arunachalam Advocate sr 58261,58259,  
58260,58257

+1 cc to M/s.Ridhima sharma Advocate sr 58150

CrI.O.P. Nos.20096 to 20098 and 21322 of 2016

rsy(co)  
aa03/11/2016