

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 03.12.2018

CORAM

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Crl. OP. Nos.1927 to 1930 of 2011

1. M/s.Voora Property Developers Pvt. Ltd.,
32, Vijayaraghava Road,
T.Nagar, Chennai - 17,
Rep. by its Chairman Cum Managing Director
Lakshmi Narasima Rao.
2. Lakshmi Narasima Rao,
S/o.Radha Krishna Moorthi,
Chairman Cum Managing Director,
M/s.Voora Property Developers P Ltd.,
No.32, Vijayaraghava Road,
T.Nagar, Chennai - 600 017
3. Mr.Suman Voora,
Director,
M/s.Voora Property Developers Pvt. Ltd.,
No.32, Vijayaraghava Road,
T.Nagar, Chennai 600 017

..Petitioner / Accused in all Crl.OPs

Vs.

M/s.Ponnammal Educational Trust,
A Public Charitable Trust,
Registered Office at Old No.1, New No.3,
First Trust Link Street,
Mandaveli, Chennai 600 028.

Rep by its Authorized Representative J.Ajay

..Respondent / Complainant in all Crl.OPs

Prayer in Crl.OP No.1927 of 2011: This petition is filed under Section 482 of Criminal Procedure Code to call for records pertaining to the case in CC No.10726 of 2010 on the file of the learned XXIII Metropolitan Magistrate Court, Saidapet, Chennai.

Prayer in Crl.OP No.1928 of 2011: This petition is filed under Section 482 of Criminal Procedure Code to call for records pertaining to the case in CC No.10727 of 2010 on the file of the learned XXIII Metropolitan Magistrate Court, Saidapet, Chennai.

Prayer in Crl.OP No.1929 of 2011: This petition is filed under Section 482 of Criminal Procedure Code to call for records pertaining to the case in CC No.10568 of 2010 on the file of the learned XXIII Metropolitan Magistrate Court, Saidapet, Chennai.

Prayer in Crl.OP No.1930 of 2011: This petition is filed under Section 482 of Criminal Procedure Code to call for records pertaining to the case in CC No.10567 of 2010 on the file of the learned XXIII Metropolitan Magistrate Court, Saidapet, Chennai.

For Petitioners :Mr. A.Madhumathi in all Crl.OPs

For Respondent :Mr E.Sathish Kumar in all Crl.OPs

सत्यमेव जयते

COMMON ORDER

All these matters are arising out of complaints instituted by the respondent / complainant, as against the petitioners, for the offence punishable under Section 138 of Negotiable Instruments Act.

2. According to the petitioners / accused, these cheques have been obtained under threat and coercion in the police station and therefore, it is not legally enforceable debt, as such, the complaints are liable to be quashed.

3. The respondent / defacto complainant appearing through the counsel had submitted that there was a transaction between the parties for purchase of some properties and in that regard, sale agreements were also entered into between them, by paying advance amount. Before effecting full payment, the respondent / defacto complainant came to know that the property belongs to Tamil Nadu Housing Board. After realising the fact that they are being cheated by the petitioners, the respondent cancelled the sale agreements and demanded for repayment of the advance amount. In this regard, a criminal case has also been registered before the Central Crime Branch, Team XV A, Egmore, Chennai, in Crime No.605 of 2009, as against the petitioners and the same is still pending. He would further submit that for the purpose of repaying the advance amount, the petitioners had issued the Cheques in question. But, when the same was presented for collection, it was returned with an endorsement 'payment stopped by drawer'. Thus, after

issuing statutory notice, the respondent / complainant has filed the present complaint under Section 200 Cr.P.C.

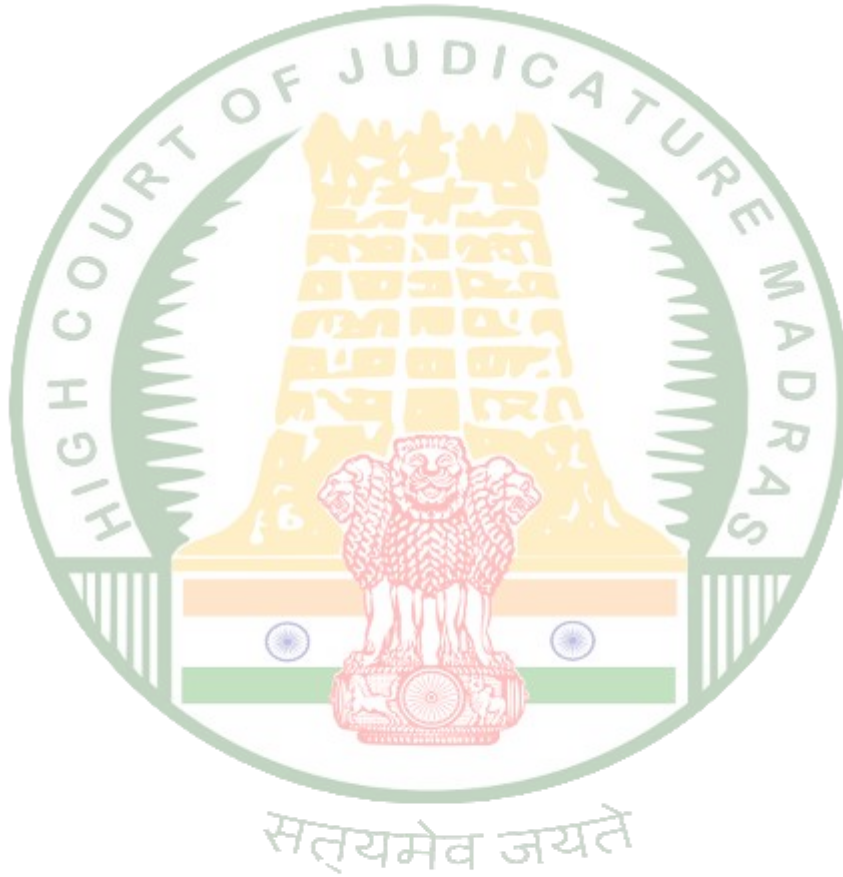
4. Having heard the learned Counsel on either side, this Court is of the view that this disputed question of fact is a matter for trial, which requires appreciation of evidence so as to decide whether the cheques have been issued for any legally enforceable debt or obtained under coercion and threat. Under these circumstances, this Court is not inclined to delve into the merits of the matter and accordingly, these criminal original petitions are dismissed, with liberty to raise all the points raised in the present petition before the trial Court. Considering the age of the proceedings, this Court deems appropriate to direct the trial Court to expedite the proceedings and conclude the trial within a period of four months from the date of receipt of copy of this order. Both the parties are directed to co-operate the trial Court to dispose of the proceedings within the stipulated time.

Internet : Yes
Index : Yes / No
rka/gk

03.12.2018

To

1. The XXIII Metropolitan Magistrate,
Saidapet, Chennai.
2. The Public Prosecutor,
High Court of Madras.



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B.PUGALENDHI, J.

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Crl.O.P.Nos.1927 to 1930 of 2009

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