

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.12.2019

CORAM

THE HONOURABLE Mr.JUSTICE P.VELMURUGAN

Cr1.OP No.9421 of 2013

and

MP.No.1 of 2013

1. M/s.Navabharat Agro Products Limited,
Represented by its Managing Director,
Navabharat House, No.8-2-325/1,
Road No.3, Banjara Hills,
Hyderabad-500 034.
Andhra Pradesh.
 2. Alluri Sarvarayulu Chowdri
- ... Petitioners
- Vs -
- Mrs.Nanditha
- ... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C.,
to call for the records culminating in C.C.No.914 of 2013
pending on the file of the XVII Metropolitan Magistrate's Court,
Saidapet, Chennai and quash the same.

For Petitioners : Mr.Sriram Panchu
Senior Counsel
for Mr.Arun Anbumani

For Respondent : No appearance

ORDER

This Criminal Original Petition has been filed to call for
the records culminating in C.C.No.914 of 2013 pending on the
file of the XVII Metropolitan Magistrate's Court, Saidapet,
Chennai and quash the same.

2. When the matter came up for hearing on 11.12.2019, none
appeared on behalf of the respondent. In order to give an

opportunity, the matter is posted today for hearing the respondent. Today also when the matter is called, none appeared for the respondent. Heard the learned Senior Counsel appearing for the petitioners and also perused the entire materials available on record.

3. It is noted that the respondent herein filed a private complaint under Section 200 Cr.P.C against the petitioners and yet another for the offence under Section 138 of Negotiable Instruments Act before the learned XVII Metropolitan Magistrate, Saidapet, Chennai. The learned Magistrate taken cognizance of the complaint in C.C.No.914 of 2013. During the pendency of the Calendar Case, the petitioners have filed the present petition for invoking Section 482 Cr.P.C.

4. The learned Senior Counsel appearing for the petitioners would submit that the second petitioner herein is not the signatory to the disputed cheque dated 12.12.2012. Further, the disputed cheque drawn for and on behalf of NBF Investments Private Limited. Subsequently, A3 died on 27.09.2012 even much prior to the date of cheque. Further, he would submit that during pendency of this petition, the second petitioner also died on 26.11.2014 and he has also submitted the copy of death certificate. He would further submit that the cheque signed by A3 for and on behalf of the first petitioner-Company. Therefore, the respondent has wrongly prosecuted against these petitioners. The learned Magistrate failed to consider these aspects and taken cognizance of the offence. Therefore, the complaint against these petitioners may be quashed.

5. It is seen from the consolidated typed set of papers submitted by the learned Senior Counsel that the copy of the disputed cheque dated 12.12.2012 has been annexed, in which, it shows that A3 signed the cheque for and on behalf of the NBF Investments Private Limited and the cheque was not issued for and on behalf of the first petitioner. However, A2 and A3 died and the respondent has wrongly prosecuted the first petitioner, who is not the borrower, as per the cheque dated 12.12.2019. The signatory A3 died even much prior to the date of the cheque, which itself shows that the cheque could not have been issued on 12.12.2012 since A3 died as early as 27.09.2012.

6. This Court satisfied with the submissions made by the learned Senior Counsel appearing for the petitioners. Accordingly, this Criminal Original Petition is allowed and the complaint in C.C.No.914 of 2013 pending on the file of the

learned XVII Metropolitan Magistrate, Saidapet, Chennai, is hereby quashed against the petitioners herein. Consequently, connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

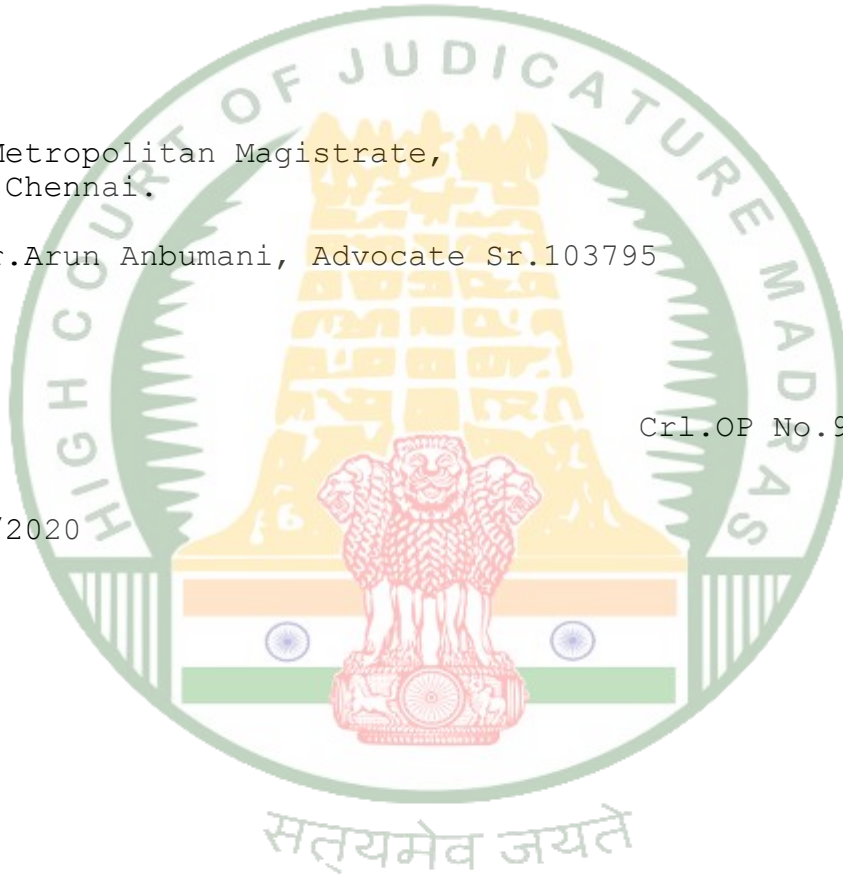
To

The XVII Metropolitan Magistrate,
Saidapet, Chennai.

+1cc to Mr.Arun Anbumani, Advocate Sr.103795

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srg 10/02/2020



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