

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.02.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.4339 of 2019
and Crl.M.P.Nos.2604 & 2606 of 2019

- 1.Grow Life Care represented by its,
Managing Director Ayyappan (aged about 36 years),
18/1, Velusamy Street, Municipal Colony,
Erode 638 004.
- 2.Ayyappan (aged about 36 years),
Managing Director, Grow Life Care,
18/1, Velusamy Street, Municipal Colony,
Erode 638 004.
- 3.K.Deepak (aged about 34 years),
Director, Grow Life Care,
18/1, Velusamy Street, Municipal Colony,
Erode 638 004. ... Petitioners/Accused

Vs.

G.Krishnaveni (aged about 53 years),
Proprietor, Ero Greens,
W/o.P.Govindasamy,
Doing Business at:
Door No.1, Annamalai Layout,
Opp.: Royal Theatre,
Erode 638 011,
Erode Taluk & District.

... Respondent

PRAYER : Criminal Original Petition filed under Section 482
Cr.P.C. praying to call for the records and quash the complaint
in S.T.C.No.283 of 2018 on the file of the Judicial Magistrate
(Fast Track Court) No.II, Erode.

For Petitioners : Mr.N.Anbazhagan

ORDER

This Criminal Original Petition has been filed seeking to
quash the complaint in S.T.C.No.283 of 2018 on the file of
Judicial Magistrate (Fast Track Court) No.II, Erode.

2. The learned counsel for the petitioners would submit that as per the allegations made in the complaint, the cheque is said to have been given as security. The respondent has stealthily without knowledge of the petitioners presented the above cheque through bank which was got returned. The learned counsel would submit that after receipt of notice by the respondent, the petitioners came to know about the presentation and dishonouring of the cheque. The learned counsel further submitted that the balance amount due is only Rs.4,04,846/- and nothing more, and the petitioners repaid a sum of Rs.3,00,000/- against the amount due. Even after receiving major part of the amount due, the respondent/complainant filed this complaint against the petitioners with vindictive motive of harassing the petitioners and therefore the very basis on which the complaint has been filed is unsustainable.

3. Considering the facts and circumstances of this case, this Court does not find any grounds to quash the complaint and all the points raised by the learned counsel for the petitioners is at liberty to raise all the grounds before the trial Court.

4. Hence, this Criminal Original Petition stands dismissed. Consequently, the connected miscellaneous petitioners are closed.

Sd/-
Assistant Registrar (CS IV)

//True Copy//

Sub Assistant Registrar

vv2/rpl

To:

1. The Judicial Magistrate,
Fast Track Court No. II,
Erode.

CrI.O.P.No.4339 of 2019
and CrI.M.P.Nos.2604 & 2606 of 2019

EV (CO)

RRS (04/04/2019)