

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Fifth day of April Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL MISCELLANEOUS PETITION NOS.5623 & 5624 OF 2019

IN CRL OP.11064/2019

1 M/S.FIPOLA RETAIL INDIA PVT LTD, [PETITIONER]
REPRESENTED BY ITS MANAGING
DIRECTOR/CEO, SUSHIL KANUGOLU.

2 SARAVANAN SUNDARAM

3 SUSIL KANUGOLU

4 KANUGOLU VENKATARAMANA

5 MALAKONDAIAH MADDINENI

Vs

M2N INTERIORS [RESPONDENT]
REPRESENTED BY ITS SOLE PROPRIETOR,
M.MURALI

Petitions praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL OP.11064/2019 of on the file of the High Court, the High Court will be pleased to

[i] stay all further proceedings in STC No.31 of 2019 pending on the file of the Judicial Magistrate/Fast Track Court, Poonamallee, pending disposal of the above CRL OP.11064/2019 [IN CRL.MP.NO.5623 OF 2019]

[ii] dispense with the personal appearance of all the petitioners in the above STC No.31 of 2019 pending on the file of the Judicial Magistrate/Fast Track Court, Poonamallee, pending disposal of the above CRL OP.11064/2019 [IN CRL.MP.NO.5624 OF 2019]

Order : These petitions coming on for orders upon perusing the petition and Memorandum of Grounds in CRL OP.11064/2019 of On the file of the High Court and upon hearing the arguments of MR.N.R.ELANGO SENIOR COUNSEL FOR M/S.VIJAYAGANESH S., Advocate for the petitioner, the court made the following order:-

The petition in Crl.M.P.No.5623 of 2019 has been filed by the petitioners to stay all further proceedings in S.T.C.No.31 of 2019, pending on the file of the learned Judicial Magistrate Cum Fast Track Court, Poonamallee, Chennai.

2. The petition in CrI.M.P.No.5624 of 2019 has been filed by the petitioners to dispense with the personal appearance of all the petitioners in S.T.C.No.31 of 2019, pending on the file of the learned Judicial Magistrate Cum Fast Track Court, Poonamallee, Chennai.

3. The learned Counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. Without any base, the respondent filed a complaint before the learned Judicial Magistrate Cum Fast Track Court, Poonamallee, Chennai and it was taken on file in S.T.C.No.31 of 2019 and the same is pending for the offence under Section 138 of the Negotiable Instruments Act as against the petitioners.

4. It is seen from the records that the first petitioner is a Company registered with the Registrar of Companies, Chennai. The third petitioner is the Managing Director cum CEO and the Authorized Signatory of the said Company. The petitioners 1 and 3 are alone parties to the proceedings, where the transactions with the respondent Company and the third petitioner is the signatory of the cheques. The petitioners 2, 4 and 5 have no role even in day to day affairs of the first petitioner Company. The fifth petitioner is not even a Director at the time of filing of the complaint and the petitioners 2 and 4 are dormant Directors. The respondent himself admitted in his statutory notice that the third petitioner is the Authorized Signatory/CEO and Managing Director of the Company. There are specific averments to attract the offences as against the third petitioner/A3. Further, it is also seen that there are materials to connect the third petitioner/A3 to the offences.

5. Considering the above facts and circumstances, this Court is inclined to entertain these petitions as far as the petitioners 2, 4 and 5 are concerned. Accordingly the following orders are passed:-

(i) There shall be an order of interim stay of all further the proceedings in S.T.C.No.31 of 2019 on the file of the learned Judicial Magistrate Cum Fast Track Court, Poonamallee, Chennai, as far as the petitioners 2, 4 and 5 are concerned.

(ii) The personal appearance of the petitioners 2, 4 and 5 before the learned Judicial Magistrate Cum Fast Track Court, Poonamallee, Chennai in S.T.C.No.31 of 2019 is dispensed with.

(iii) Insofar as the first and third petitioners are concerned, both the petitions are dismissed.

(iv) It is made clear that there is no impediment for the trial Court to proceed with the trial insofar as the petitioners 1 & 3 are concerned.

6. Notice.

-sd/-
25/04/2019

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE CUM
FAST TRACK COURT, POONAMALLEE.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

+1C.C. to M/S.VIJAYAGANESH S. Advocate on payment of necessary charges SR NO.47219

Order

in
CRL MP.5623 & 5624 OF 2019

in
CRL OP.11064/2019

Date :25/04/2019

From 7.2.2001 the Registry is issuing certified copies of the BAIL/Anti.BAIL Orders in this format

MK:01/07/2019