

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.04.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.13003 of 2017
and
Crl.M.P.Nos.8469, 8470 of 2017

S.Suresh

...Petitioner

Vs.

M/s.Shree Gokulam Chit & Finance Co(P) Ltd.,
Represented by Senior Business Manager/
Authorised Signatory, Mr.P.Saravanan,
No.520, Gandhi Road, First Floor,
Sri Venkateswara Complex,
Kancheepuram - 1.

...Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for records and quash the complaint in S.T.C.No.230 of 2015 filed against the petitioner on the file of Judicial Magistrate No.1, Kancheepuram.

For Petitioner : Mr.R.Venkatesh
For Respondent : No Appearance

O R D E R

This Criminal Original Petition has been filed to call for records and quash the complaint in S.T.C.No.230 of 2015 filed against the petitioner on the file of Judicial Magistrate No.1, Kancheepuram.

2.Heard the learned counsel for the petitioner.

3.The learned counsel for the petitioner submitted that the petitioner is an accused, the respondent initiated the proceedings under Section 138 of Negotiable Instruments Act. He further submitted that the 138(b) of Negotiable Instruments Act is not complied with. Since the respondent did not issued any valid notice, the notice issued under Section 138 of Negotiable Instruments Act is a defective one. Since he did not contained any particulars i.e., what is the date of joining the chit and the other details in the notice. Therefore, he prayed for quashment of the enquiry.

4.It is seen from the notice dated 18.02.2015 as follows:

"1.My client state that you had joined as one of the subscriber in Chit Group No.G2L588/8 and you are the successful bidder of the chit but you failed to pay the remaining chit amount, for which you had issued a cheque to my client through Cheque dated 19.01.2015 drawn on IDBI Bank, Kancheepuram Branch, bearing Cheque No.035166 for a sum of Rs.22,10,075/- (Rupees Twenty Two Lakhs Ten Thousand and Seventy Five Only)

2.As per your request and advice my client has presented the said cheque on 19.01.2015 at Axis Bank, Kancheepuram Branch, for collection to the shock and surprise of my client the above said cheque was returned for the reasons to "INSUFFICIENT FUNDS" on 20.01.2015. This information reached my client on 20.01.2015 and the same was informed to you."

It is seen from the above, it is categorically mentioned the petitioner joined as one of the subscriber in the chit Group No.G2L588/8 and failed to repay the remaining chit amount, towards the same, the petitioner issued the cheque and the cheque was resulted for collection the cheque was returned as dishonoured for the reason to insufficient funds. Therefore, the said notice is a valid one and the provision under Section 138(b) of Negotiable Instruments Act is duly complied with.

4.With the above observations, this Criminal Original Petition stands dismissed. Consequently, the connected Criminal Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CJ Conf)

//True Copy//

सत्यमेव जयते

Sub Assistant Registrar

rna

To
The learned Judicial Magistrate No.I,
Kancheepuram.

+1cc to Mr. R.Venkatesh, Advocate, S.R.No. 40861

CrI.O.P.No.13003 of 2017
and CrI.M.P.Nos.8469, 8470 of 2017

PA (CO)
GN(04/06/2019)