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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.04.2019

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THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Cr1.O.P.(MD)No.9776 of 2017

and

Cr1.M.P.(MD)No.6672 of 2017

1.M/s.Bell Enterprises,
Plot No.145, Industrial Area,
Phase - 1,
Chandigarh - 160 002.

2.Aravind Singla

3.Deepak Singla

... Petitioners

Vs.

M/s.Redington (India) Ltd.,
Rep. by S.Venkatesh,
Accounts Executive.

... Respondent

Prayer: Petition filed under Section 482 of the Criminal Procedure Code to call for the records relating to S.T.C.No.1058 of 2016 pending on the file of the Judicial Magistrate No.IV, Trichy and quash the same.

For Petitioners : Mr.S.Suresh

For Respondent : Mr.D.Selvanayagam

ORDER

This Criminal Original Petition has been filed by the petitioners to quash the proceedings pending against them in S.T.C.No.1058 of 2016 on the file of the learned Judicial Magistrate No.IV, Trichy.

2. The case in S.T.C.No.1058 of 2016 was instituted under Section 200 Cr.P.C., at the instance of the respondent / complainant, for the offence punishable under Section 138 of the Negotiable Instruments Act. The case of the respondent / complainant is that the petitioners herein have approached them and placed orders for purchase of Apple I-Phones, I-Pads and other accessories. On successful delivery of all the products, the petitioners herein have issued two Cheques, dated 13.05.2016 & 23.05.2016, respectively, for a sum of Rs.10,00,00,000/- & Rs.11,60,75,905/-, respectively. When the Cheques were presented for collection on 01.08.2016, the same were returned on 04.08.2016 as 'funds insufficient'. Thereafter, the respondent / complainant has taken the statutory notice on 09.08.2016, as contemplated under



the Act, followed by which, the present complaint came to be lodged.

3. Pending this Criminal Original Petition, the second petitioner, who is a retired partner of the first petitioner Company, has come forward to settle the dues to the respondent / complainant and it appears that a sum of Rs.7,00,00,000/- (Seven Crore only) has already been settled by the second petitioner to the respondent / complainant as full and final settlement. A memorandum of understanding (MOU) has also been entered into between the second petitioner and the respondent / complainant. In view of the same, the respondent / complainant has agreed for allowing the present petition in respect of the second petitioner alone. Insofar as the other petitioners are concerned, this Court does not find any valid ground to interfere with the impugned proceedings.

4. Under the above circumstances, this Criminal Original Petition is disposed of and the proceedings pending as against the second petitioner alone in S.T.C.No.1058 of 2016 on the file of the learned Judicial Magistrate No.IV, Trichy, stands quashed. Considering the age of the proceedings, the learned Magistrate is directed to proceed with the case insofar as the petitioners 1 & 3 are concerned and conclude the same within a period of three weeks from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(AE)

// True Copy //

Sub Assistant Registrar(CS)

gk

To

The Judicial Magistrate No.IV,
Trichy.

+1CC TO MR.AIYAR & DOLIA, Advocate Sr. No.61324

+1CC TO MR.D.SELVANAYAGAM, Advocate Sr. No. 60881

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