

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.08.2020

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

CrI. O.P. No. 13913 of 2015
and M.P.No.1 of 2015

Sushim Siddarth, Aswin Aquaa,
No.C3, Mogappair West,
Industrial Estate, Reddypalayam Road,
Mogappair West, Chennai 600 037. .. Petitioner/ Respondent

Vs.

M/s. Penna Cement Industries Limited,
A Public Limited Company,
Rep. By its Authorized Signatory,
P. Felix Gerold Handry,
Deputy General Manager (Marketing),
Having Zonal Office at New No.8, Old No.8/1,
Casa Major Road, II Cross Street,
Jerret Garden, Egmore, Chennai 8. ... Respondent/ Petitioner

Prayer: Criminal Original Petition filed under Section 482 of
Criminal Procedure Code calling for the records pertaining to
the proceedings in S.T.C. No. 278 of 2014 on the file of the
Fast Track Magistrate at Ambattur and quash the same.

For Petitioner : Mr. S. Ramajayam

सत्यमेव जयते
O R D E R

The matter is heard through "Video Conferencing".

This petition is filed to quash the proceedings in S.T.C.
No. 278 of 2014 on the file of the Fast Track Magistrate at
Ambattur.

2. Mr. S. Ramajayam, learned counsel appearing for the
petitioner submitted that the respondent has filed C.C. No. 8643
of 2014 on the file of the Fast Track Magistrate at Ambattur,
against wrong person, i.e., the petitioner herein. The
petitioner did not have any transaction with the respondent and
no amount is due and payable by the petitioner. One Ashwin

Siddarth had transaction with the respondent and certain amounts were due and payable by the said Ashwin Siddarth. As a security for the due repayment by the said Ashwin Siddarth, the petitioner has given a Cheque bearing No. 000101 dated 05.04.2014 for Rs.2,81,400/- drawn on HDFC Bank, Mogappair West Branch, Chennai. The respondent without informing the petitioner, presented the cheque, which was dishonoured. No notice was issued to the petitioner about the dishonour of cheque and hence, prayed for quashing the proceedings in S.T.C. No. 278 of 2014 on the file of the Fast Track Magistrate at Ambattur.

3. Heard the learned counsel appearing for the petitioner and perused the entire materials available on record.

4. From the materials available on record, it is seen that the petitioner issued a Cheque bearing No.000101 dated 05.04.2014 for Rs.2,81,400/- drawn on HDFC Bank, Mogappair West Branch, Chennai, to the respondent, which was dishonoured on presentation. The respondent has issued a notice dated 06.05.2014 to the petitioner. According to the respondent, the petitioner has received the said notice on 09.05.2014 and did not pay the amount within the time limit. Considering the above facts, this Court is not inclined to quash S.T.C. No. 278 of 2014 pending on the file of the Fast Track Magistrate at Ambattur.

5. Accordingly, this Criminal Original Petition is dismissed. Consequently connected Miscellaneous Petition is closed.

s/d-

Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

gsa

To

1. The Judge,
Fast Track Magistrate,
Ambattur

2. The Public Prosecutor,
High Court, Madras

Cr1. O.P. No. 13913 of 2015

KJ(CO)

SP(07/10/2020)