

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.07.2020

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.Nos.31878 & 31882 of 2019
and
Crl.M.P.Nos. 17446, 17448, 17453 & 17456 of 2019

Parthasarathy Srikanth,
S/o. Mr.Parthasarathy,
No.18/A, Rajamannar Street,
T.Nagar,
Chennai-600017.

... Petitioner in both Crl.O.Ps

Vs.

M/s.Narayan Sriram Investments Pvt. Ltd,
Rep. By its Authorised Representative,
Ms.Sangeetha Lakshmi, Executive (Legal)
No.142, Mahatama Gandhi Road,
Nungambakkam,
Chennai-600 034

... Respondent in
Crl.O.P.No.31878 of 2019

IFIN Securities Finance Limited,
Previously known as
M/s.Narayanan Sriram Investments Pvt. Ltd,
Rep. By its Authorised Representative,
Ms.Sangeetha Lakshmi, Executive (Legal)
No.142, Mahatama Gandhi Road,
Nungambakkam,
Chennai-600 034

... Respondent in
Crl.O.P.No.31882 of 2019

Common Prayer: Criminal Original Petitions filed under section 482 of Criminal Procedure Code, praying to call for the records in C.C.Nos.4638 & 4639 of 2016 on the file of Metropolitan Magistrate cum Fast Track Court-II, Allikulam and to quash the same insofar as it relates to the petitioner herein.

For Petitioner in
both Crl.O.Ps : Mr.U.Baranidharan

COMMON O R D E R

These petitions have been filed seeking to quash the FIR in C.C.Nos.4638 & 4639 of 2016 on the file of Metropolitan Magistrate cum Fast Track Court-II, Allikulam.

2. The learned counsel for the petitioner submitted that the petitioner is arrayed as A6 in C.C.Nos.4638 & 4639 of 2016, for the offence under Section 138 of Negotiable Instruments Act by the respondent herein. It is a mortgage loan availed by the 1st accused. Insofar as the petitioner is concerned, he is one of the Executive Directors of the 1st accused company and he has nothing to do with the aforesaid crime. He has not even paid any salary by the 1st accused since 2011 and also that he never acted as active Director in the 1st accused Company. In fact, he resigned his position as Director from the 1st accused Company through an email dated 24.06.2013. Therefore, he sought for quashment of the entire proceedings.

3. It is seen that the respondent has initiated the proceedings as against the petitioner and others for the offence under Section 138 of Negotiable Instruments Act. There are totally eight accused in this case, in which the 1st accused is the company and the other accused are the Director of the 1st accused company. Further, It is seen from the complaint, that the 2nd accused is the Managing Director and Chief Executive Officer of the company and the 3rd accused is the Chairman and CEO of the company, who have signed the alleged cheque. However, the allegation is that the signatures found on the cheque are the signatures of 1st and 6 to 8 accused, who are directors and deals with day to day activity of the 1st accused company. Therefore, there is specific allegation as against the petitioner and the other accused in the complaint lodged by the respondent herein. However, it is also seen that the complaint was lodged on 21.06.2013. After the lodgement of the complaint, the petitioner resigned from his Directorship on 24.06.2013. Therefore, the resignation of the petitioner is subsequent to the complaint lodged by the respondent herein. The cheque in question was issued to the respondent as early as on 30.06.2013 for a sum of Rs.14,91,423/-. Therefore, the grounds raised by the petitioner are mixed question of facts and it cannot be considered by this Court under section 482 of Cr.P.C and therefore, this Court is not inclined to entertain this petition.

4. Accordingly, this Criminal Original Petitions are dismissed. However, considering the age of the petitioner the personal appearance of the petitioner is dispensed with in C.C.Nos.4638 & 4639 of 2016. The trial Court is directed to complete the trial within a period of six months from the date

of receipt of a copy of this order. Consequently the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

vsn

To

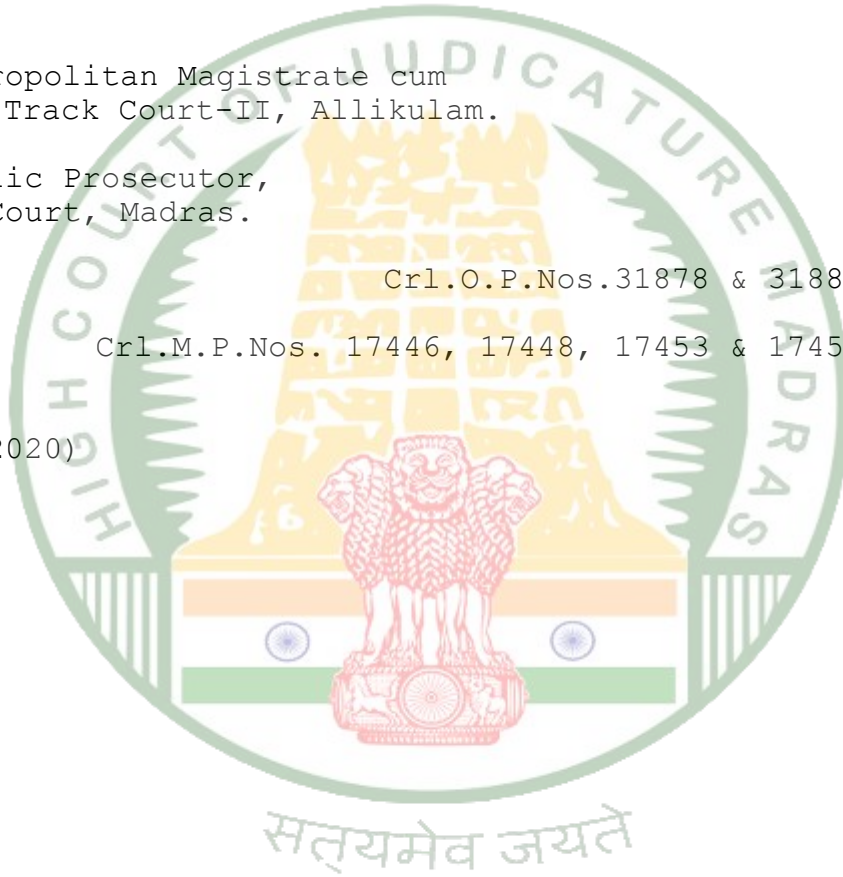
1.The Metropolitan Magistrate cum
Fast Track Court-II, Allikulam.

2.The Public Prosecutor,
High Court, Madras.

Crl.O.P.Nos.31878 & 31882 of 2019
and

Crl.M.P.Nos. 17446, 17448, 17453 & 17456 of 2019

NSA(CO)
CB(22/10/2020)



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