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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 04.10.2021

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

CRL.OP.NOS.26835 & 26836/2015

AND

MP.NOS.1,1, 2 & 2/2015[4 PETITIONS]

[VIDEO CONFERENCING]

R.Saravanan, Partner,
M/S.Revathi Textiles,
No.183/78, P.V.Koil Street,
Royapuram, Chennai-13.

...Petitioner in Cr1.OP.No.26835/2015

R.Gopal, Partner,
M/S.Revathi Textiles,
No.183/78, P.V.Koil Street,
Royapuram, Chennai-13.

...Petitioner in Cr1.OP.No.26836/2015

Versus

P.Vadivelu Mudaliyar,
M/S.Sri Arul Murugan Textiles P.Ltd.,
No.267, Mettu Street, Narasingapuram,
Minnal (P&T) - 632510.
Arakkonam Tk, Vellore.

...Respondent in both Petitions

Common Prayer:- Criminal Original Petitions filed under Section 482 of Cr.P.C., to call for the entire records in C.C.No.240/2015 and C.C.No.241/2015 now pending on the file of IV FTC Metropolitan Magistrate at G.T. Chennai and quash the same.

For Petitioner in
Cr1.OP.No.26835/2015 : Mr.R.Sasi Kumar



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For Petitioner in
Crl.OP.No.26835/2015 : No appearance

For Respondent in
both Petitions : No appearance

COMMON ORDER

- (1) Crl.OP.No.26835/2015 has been filed with respect to CC.No.240/2015 which was said to be pending on the file of the 4th Fast Track Court, Metropolitan Magistrate at George Town, Chennai and Crl.OP.No.26836/2015 has been filed with respect to CC.No.241/2015 again pending on the file of the very same Court.
- (2) The petitioner in Crl.OP.No.26835/2015 is a Partner of Revathi Textiles and the petitioner in Crl.OP.No.26836/2015 is also a Partner of the very same Firm/Revathi Textiles.
- (3) In the first petition, it had been stated that though the cheque has been issued to the respondent/defacto complainant, the same was a post dated cheque and therefore, the respondent had instituted the said Calendar Case by misusing the said cheque. It had been actually given as a security.
- (4) In the second case also, the very same claim has been made, viz., that the petitioner herein, a working Partner of Revathi Textiles, had issued a post dated cheque and the respondent/defacto complainant had misused the said cheque which was actually given only for security.
- (5) However, it is seen that both the cheques had been returned with an endorsement ''Funds insufficient''. Necessary procedure as required under law, viz., issuing of notice and waiting for the time period to honour the cheque amounts, had been followed by the respondent / defacto complainant and only thereafter, the complaints had been filed.
- (6) There is no appearance on behalf of the petitioners and the respondent/defacto complainant.



(7) This Court had been quite liberal in the appearance of the petitioners since the matter was posted earlier on 01.09.2021 and again on 22.09.2021. Let the trial in both Calendar Cases proceed.

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(8) In the result, both the Criminal Original Petitions stands dismissed. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS-VII)

// True Copy //

Sub Assistant Registrar

AP

To

1. The IV Metropolitan Magistrate,
Fast Track Court,
G.T. Chennai.
2. The Public Prosecutor
High Court, Madras.

Cr1.OP.Nos.26835&26836/2015

SSI(CO)
RLP(22/10/2021)