

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 08.04.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.726 of 2018

1. Anu Bhandari, F/A 22 years,
Director
Saffron Proplus Private Limited

2. Minu Bhandari F/A 22 years,
Director
Saffron Proplus Private Limited

...Petitioners

Vs.

M/s Poly Pipes India Private Limited
Represented by its Sales Manager,
Mr.S.Ganapathy Krishnan
Son of N.Sundaram
'Lakshmi Shankara'
No.95, Dr.Alagappa Road,
Purasawalkam
Chennai- 600 084.

...Respondent

Prayer: The Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records relating to the C.C.No.8511 of 2017 on the file of the Learned Metropolitan Magistrate (FTC-III) Saidapet and quash the same by allowing the Crimeina Original Petition,

For Petitioners : Mr.M.Guruprasad

For Respondent : Mr.L.Rajasekar

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O R D E R

This Criminal Original Petition has been filed seeking to call for the records in C.C.No.8511 of 2017 pending on the file of the Learned Metropolitan Magistrate (FTC-III) Saidapet and quash the same.

2. The case of the petitioner is that M/s Saffron Proplus Private Limited was running by Anil Bhandari who is the

Managing Director, and the petitioners are Directors of the said Company. The First accused is the company, second and third accused have placed the orders for the supply of PVC Resin, coated Calcium Carbonate and Lime Stone Powder on behalf of the First accused Company and the complainant had supplied the same to the First accused company. Thereafter, the company have issued a 3 post dated cheques in favour of the complainant for a sum of Rs.9,83,287/-. The said cheques were presented and the same was returned with an endorsement sufficient funds. Thereafter, the respondent/defacto complainant had lodged a complainant under Section 138 of the Negotiable Instruments Act before the Competent Court including the petitioners on the ground that the petitioners are the Directors of the said Company. Therefore, the petitioners have filed a petition under Section 482 of Cr.P.C to quash the complaint.

3. The learned counsel for the petitioners submit that the petitioners are Directors of the said Company and they did not participated in the transactions of the company. He would further submit that the Company was run by his father and no documents were produced for participation of the petitioners. He would further submits that without going into the merits of the case, it would suffice, if this Court issues a direction to the Trial Court to expedite the trial and complete the same as early as possible. He would further submit that the appearance of the petitioners before the Trial Court may be dispensed with and would further submit that the petitioners are ready and willing to appear as and when necessary arises.

4.The learned counsel appearing for the respondent would submit that the petitioners are the Directors of the said Company. He would further submit that the petitioners have also involvement in the cheque transaction. Hence, he prays for dismissed the petition.

5. Considering the facts and circumstances of the case, the petitioners being lady and admittedly, the petitioners are Directors of the said Company and their father is running a company. However, this Court perused the materials to show that the no other documents were produced and the petitioners have issued a cheques in favour of the respondent to shows that the petitioners are participated in the day-to-day affairs of the company.

6. In view of the above, this Court directs the Learned Metropolitan Magistrate (FTC-III) Saidapet, to expedite the trial in C.C.No.8511 of 2017 and complete the same within a period of six months from the date of receipt of a copy of this order. The appearance of the petitioners before the Trial Court is dispensed with. However, this order will not stand on the

way of the Trial Court to insist for the appearance of the petitioners for receiving copies under Section 207 of Cr.P.C., framing of charges, questioning under Section 313 of Cr.P.C. and judgment and as and when the Trial Court feels it necessary.

7. With the above directions, this Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

msrm
To

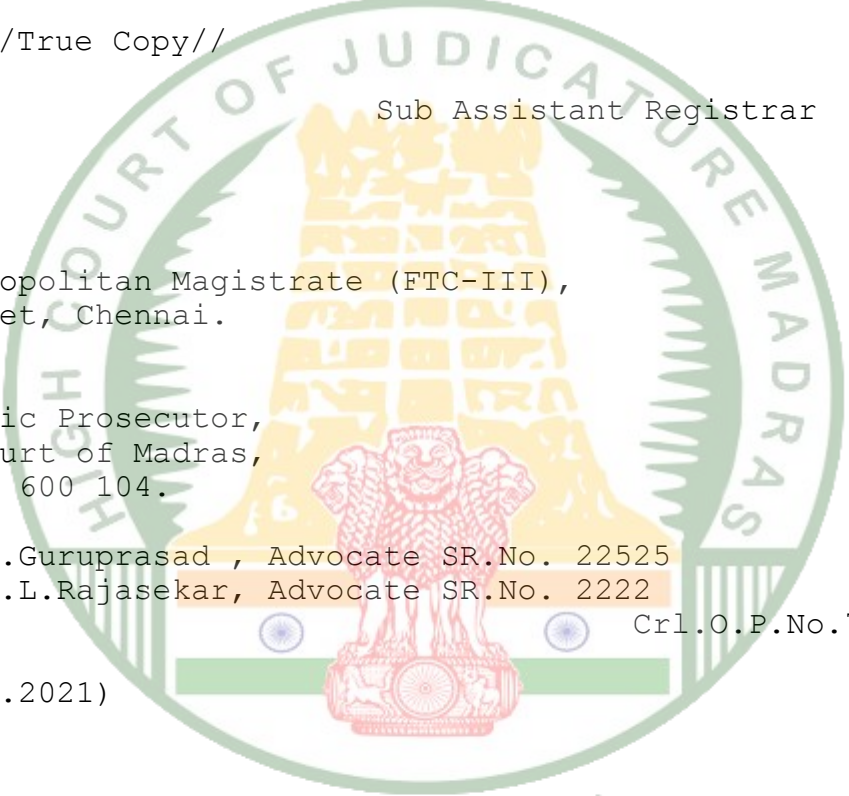
1. The Metropolitan Magistrate (FTC-III),
Saidapet, Chennai.

2. The Public Prosecutor,
High Court of Madras,
Chennai 600 104.

+1cc to Mr. Guruprasad , Advocate SR.No. 22525
+1cc to Mr. L. Rajasekar, Advocate SR.No. 2222

Cr1.O.P.No.726 of 2018

GPL (CO)
A.SK(16.06.2021)



सत्यमेव जयते

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