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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

CRL.O.P.No.727 of 2018
and
Crl.M.P.Nos.240 & 241 of 2018

1.Anu Bhandari

2.Minu Bhandari ...Petitioners/Accused No. 3 & 4

Versus

M/s.Poly Pipes India Private Limited
rep.by its Sales Manager,
Mr.S.Ganapathy Krishnan ...Respondents/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to the C.C.No.8510 of 2017 on the file of the learned Metropolitan Magistrate (FTC-III), Saidapet and quash the same.

For Petitioners : Mr.M.Guruprasad
For Respondent : Mr.L.Rajasekar

O R D E R

This Criminal Original Petition has been filed to call for the records in C.C.No.8510 of 2017, pending on the file of the Learned Metropolitan Magistrate (FTC-III), Saidapet and quash the same.

2. The case of the petitioners is that M/s.Saffron Proplus Private Limited was running by Anil Bhandari, who is the Managing Director, and the petitioners are the 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 had issued 3 post dated cheques in favour of the complainant for a sum of Rs.14,48,236/-/-. The said cheques were presented and the same was returned with an endorsement ''insufficient funds''. Thereafter, the respondent/defacto complainant had lodged a complainant under Section 138 of the Negotiable Instruments Act,



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before the Competent Court against the petitioners, to compensate the complainant for the loss due to the dishonour, costs,, damages etc., Therefore, the petitioners have filed the present petition under Section 482 of Cr.P.C to quash the complaint.

3. The learned counsel for the petitioners submits that the petitioners are Directors of the said Company and they did not participate in the transactions of the company. He further submitted that the Company was run by his father and no documents were produced with regard to participation of the petitioners. He further submitted 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 and further submitted that the appearance of the petitioners before the Trial Court may be dispensed with and further submitted that the petitioners are ready and willing to appear as and when required.

4.The learned counsel appearing for the respondent submitted that the petitioners are the Directors of the said Company and they have also involved in the cheque transaction. Hence, he prays for dismissal of the petition.

5. This Court has perused the materials and is of the view that no documents were produced to show that the petitioners have issued a cheques in favour of the respondent and 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.8510 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. Consequently connected miscellaneous petition in CrI.M.P.No.240/2018 is closed and CrI.M.P.No.241/2018 is ordered.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

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TO

1.The Metropolitan Magistrate (Fast Track Court - III),
Saidapet.

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+1cc to Mr.M.Guruprasad, Advocate, S.R.No. 29775

CRL.O.P.No.727 of 2018

PL (CO)
GN (22/07/2021)