



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.07.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.3569 of 2018

And

Crl.M.P.No.1577 2018

Shanmugaraj SP

... Petitioner

Vs.

M/s Reliance Capital Ltd.,
Represented by its Collection Manager, I. Sugumar
No.5, Haddows Road,
Nungambakkam, Chennai - 6

... Respondent

Prayer:

Petition filed under Section 482 of Cr.P.C., seeking to call for the records and quash the complaint filed under section 200 of Cr.p.C read with 138(b) of Negotiable Instrument Act in C.C.No.2010 of 2017 on the file of the III Fast Track Metropolitan Magistrate Court at Saidapet, Chennai.

For Petitioner : Mr. A. S. Gunasekaran

For Respondent : Mr. K.B.Vivekanandhan

O R D E R

This petition has been filed seeking to call for the records and quash the complaint filed under section 200 of Cr.p.C read with 138(b) of Negotiable Instrument Act in C.C.No.2010 of 2017 on the file of the III Fast Track Metropolitan Magistrate Court at Saidapet, Chennai.

2. The facts of the case is that the accused approached the respondent for loan, and the respondents also approved and sanctioned loan. The first accused/Muthuvarman in order to repay the loan amount issued a cheque bearing No.423315 for a sum of Rs.1,20,243/- drawn on Indian Overseas Bank, Saravanampatti branch, Coimbatore dated 06.02.2017 to the respondent and when the respondent presented the said cheque for payment the same was dishonoured as "insufficient funds", hence he filed a complaint against the first accused/Muthuvarman and the petitioner/Shanmugaraj SP. The petitioner is no way connected with the alleged offence but his name is included in the complaint, which leads to filing of the present petition.



3. The learned counsel for the petitioner submits that the petitioner had neither issued any cheque to the respondent nor jointly signed the cheque issued by the 1st accused. Hence, the offence made out against him under Section 138 of Negotiable Instruments act is not sustainable one.

4. On perusal of the records produced before this Court there is no averments or my records to show that the petitioner has involved in the alleged offence and he is not a drawer of the cheque.

5. In view of the above facts the proceedings in C.C.No.2010 of 2017 on the file of the III Fast Track Metropolitan Magistrate Court at Saidapet is hereby quashed.

6. Accordingly, this Criminal Original petition is allowed. Consequently connected miscellaneous petitions are closed

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

smn

To

- 1.The III Fast Track Metropolitan Magistrate Court at Saidapet, Chennai.
- 2.The Public Prosecutor,
High Court of Madras,
Chennai 600 104.

+1cc to Mr.A.S. Gunasekaran, Advocate SR.No. 32230
+1cc to Mr.K.B.Vivekanandhan, Advocate SR.No. 32534

Crl.O.P.No.3569 of 2018
And
Crl.M.P.No.1577 2018

PCH(CO)
B.VC(05.08.2021)