

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 15.04.2021

CORAM

THE HONOURABLE Mr.JUSTICE M.DHANDAPANI

CrI.O.P.No.2311 of 2018

and

CrI.MP.No.906 of 2018

Dhiraj Mohanlal Trapasia

... Petitioner

Vs.

M/s.Redington (India) Ltd.,
Rep. by Mr.M.Sundararajan,
Senior Executive,
Spl. Guindy House,
No.95, Mount Road,
Guindy.

.. Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records in CC.No.3645 of 2016 from the file of the learned Fast Track Judge-III, Saidapet, Chennai and may be pleased to quash.

For Petitioner

: Mr.Ganesh Rajan

ORDER

The case of the complainant/respondent is that the respondent company is engaged in the business of distribution of computers, computer peripherals and related products of various multinational companies. The first accused had approached the respondent company and placed orders for the purchase of Wipro Computers and Monitors, Trend Micro Software and the same were supplied to the first accused company and received by all the accused persons. The further case of the petitioner is that the supply was made by way of invoices on various dates. It is further stated that towards the purchase of the computers and monitors, the first accused company had issued a cheque bearing No.137817, dated 11.07.2013, for Rs.3,89,24,578/- (Rupees Three Crores Eighty Nine Lakhs Twenty Four thousand five hundred and seventy eight only) drawn on Axis Bank, Ahmedabad. The said cheque is said to have been signed by the third accused. When the said cheque was presented for encashment on 11.07.2013, it was returned with an endorsement "funds insufficient". Thereafter, the complainant sent a statutory notice dated 08.08.2013 to all the accused for the offence under Section 138 of Negotiable Instruments Act and the same were returned as

"Refused". Thereafter, the complainant has filed a private complaint before learned Judge-III, FTC, Saidapet, Chennai-15 in C.C.No.3645 of 2016 against the accused persons (A1 to A10).

2. The petitioner (A9) has filed this petition to quash the proceedings in CC.No.3645 of 2016 on the file of learned Fast Track Judge-III, Saidapet, Chennai.

3. The learned counsel for the petitioner (A9) would submit that the alleged transaction had taken place in the year 2013. However, the petitioner has tendered his resignation even in the year 2011 and he was relieved from the company during August - 2011. The Form-32 submitted by the company would reveal that the petitioner was no longer associated with the company with effect from 16.08.2011. The copy of the Form-32 annexed with the typed set of papers.

4. I have heard the learned counsel for the petitioner and also perused

the records.

5. As rightly contended by the learned counsel for the petitioner that the petitioner has tendered his resignation during August 2011 and the same was also accepted. The Form-32 submitted by the company for the relevant period reflects the true state of affairs of the company that is the resignation of the petitioner from being one of the Directors. This court is satisfied that the petitioner seems to be a Director with effect from 16.08.2011. Even according to the complainant, the alleged transaction took place during the year 2012 and the cheque was issued in the year 2013. As rightly contended by the learned counsel for the petitioner, the petitioner was unnecessarily added as one of the accused.

6. For the above reasons, the petitioner should not suffer the ordeal of undergoing trial for the case in CC. No.3645 of 2016 on the file of the learned Judge-III, FTC, Saidapet, Chennai.

7. In the result, the case in CC.No.3645 of 2016 is quashed only insofar as the petitioner(A9) is concerned. As regards the other accused, the trial may go on.

8. Since the case is pending from the year 2016, the trial Judge is requested to complete the trial and dispose of the case within a period of six months from the date of receipt of a copy of this order.

9. This Criminal Original Petition is allowed with the above directions. Consequently, connected miscellaneous petition is closed.

15.04.2021

Index :Yes/No

Internet:Yes/No

Speaking/Non speaking order

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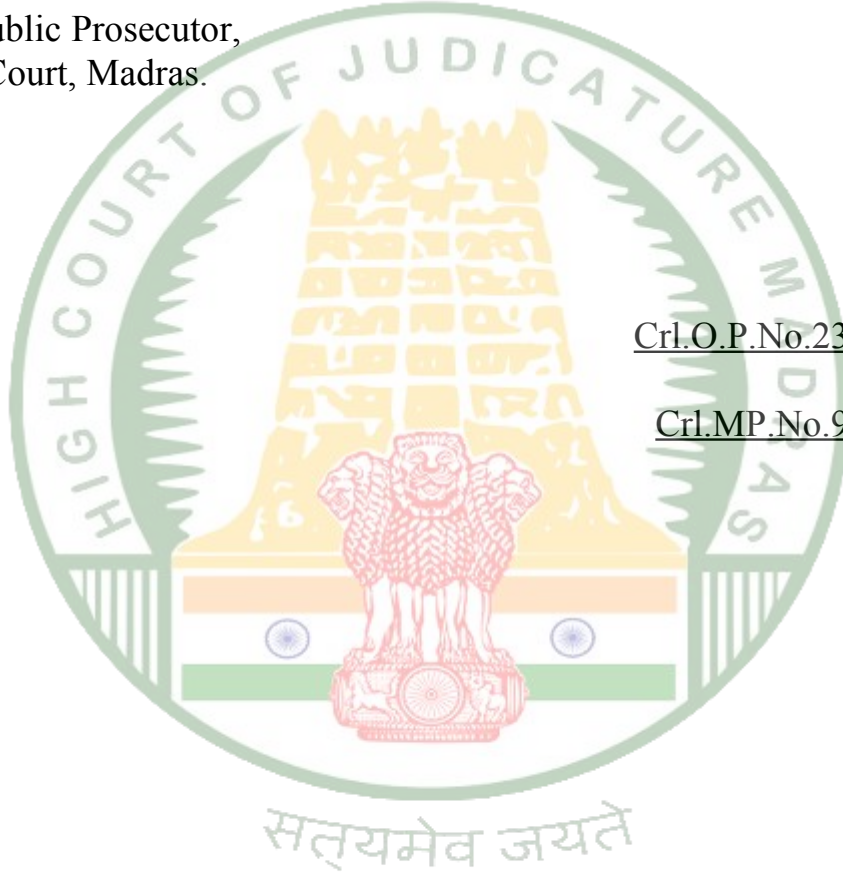
M.DHANDAPANI,J.

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To

1. The Fast Track Judge-III, Saidapet,
Chennai

2. The Public Prosecutor,
High Court, Madras.



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