



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.10.2021

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.Nos.15614, 15615, 15616,
15617, 15619 and 15620 of 2019
and

Crl.M.P.Nos.7756, 7757, 7760, 7761, 7764 & 7766

Crl.O.P.No.15614 of 2018:

Jairaj Pednekar .. Petitioner/A3 in Crl.OP.15614,
15615, & 15616 of 2019

Vishad Jagasheth .. Petitioner/A7 in Crl.OP.15617,
15619, & 15620 of 2019

Vs.

M/s.Pat Credit Limited
having office at
170, 89, J.L.Balaji Street, M.G.Road,
and its Branch at
Prime Enclave Vistas
C-31, Coral Block, 8th Floor, Avinashi Road,
Gandhi Nagar Post, Tirupur 641 603,
Tamil nadu.

Rep.by its Authorised Representative
Mr.S.Udayananda

.. Respondent/ All Crl OPs

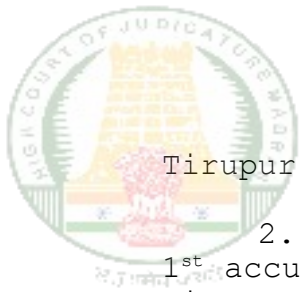
Common Prayer: Petition filed under Section 482 of Cr.P.C., to call for the entire records to quash the private complaint in C.C.No.562, 563, 564 of 2017 pending trial on the file of the Judicial Magistrate Court No.I, Tirupur as against the petitioner herein.

For petitioner : Dr.C.Ravichandran
for Mr.Viswanathan

For Respondent : Mr.T.Saikrishnan

COMMON ORDER

The petitioners / A3 and A7 have filed these petitions seeking to call for the entire records in C.C.Nos.562, 563 and 564 of 2017, on the file of the Judicial Magistrate Court No.I,



Tirupur and quash the same.

2. Facts leading to the present round of litigation is that 1st accused is a Company, 2nd accused is the Chairman cum Managing Director, 3rd accused is the Head (Finance) and Authorised Signatory and 4th to 9th accusedd are Executives / Officers and Authorised Signatories of the 1st accused. The accused had approached the complainant for grant of loan of Rs.1,08,50,000/-. The above loan was granted by the complainant on three different occasions to the accused Company. Thereafter, the accused expressed their inability to repay the dues in time and sought for further period of 92 days, for settlement of dues and accordingly, the time as sought for by the accused was extended by the complainant. In order to enable repayment of the deposits, all the above accused have agreed and issued post dated cheques of the first accused company, duly signed by A3 and A7. Unfortunately, on the end of the expiry of the renewal period of the two cheques, a request was placed from all the accused not to deposit the cheques for collection on the due dates and further two more months time was sought for by them to arrange sufficient funds in the Bank account to honor all the cheques. After waiting for more than two months, the complainant presented the two cheques for collection, however to the shock and surprise, the cheques were returned dishonored by bankers of the accused for the reason ''account blocked situation covered in 2125'' and it came to the knowledge of the complainant that the payments and withdrawals from their account were stopped by court order and owing to insolvency of first accused Company. Hence, a legal notice dated 15.03.2017 was caused on the accused on 15.03.2017, however, no proper reply was made. Thereafter, the complainant lodged a private complaint before the Hon'ble Judicial Magistrate Court No.I at Tirupur. Challenging the same, the accused persons are before this Court seeking quashment of the same.

3. Though several grounds have been raised by the learned counsel for the petitioners, however, this Court is of the opinion the issue is a triable issue and the grounds raised by the counsel for the petitioners are all factual in nature and it requires appreciation of evidence and this Court cannot decide the same in exercise of its jurisdiction under Section 482 of Criminal Procedure Code. It is left open to the petitioners to raise all the grounds before the Court and the same shall be considered on its own merits and in accordance with law. This Court is not inclined to interfere with the proceedings pending before the Court below.

4.It is represented by the learned counsel appearing for the petitioners that the petitioners are working in Ahmedabad and it would cause great hardship to them to all along travel from Ahmedabad to Chennai for every hearing and therefore, this



Court may issue 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 petitioner before the Trial Court may be dispensed with. Further it is submitted that when the petitioners are examined as defence witnesses, on the same day, the complainant may complete the cross examination so as to enable the petitioners to leave Tamil Nadu and reach their workplace.

5. Accordingly, these petitions are disposed of by directing the trial court to dispose of C.C.Nos.562, 563 and 564 of 2017, as expeditiously as possible as per seniority of the case. The petitioners and respondent are directed to co-operate with the trial court for the early completion of the trial. Further, taking into consideration the request as made by the learned counsel for the petitioners, the complainant shall complete the cross examination of the petitioners on the same day, when they are examined as defence witnesses and further their appearance before the trial court is dispensed with except for their appearance for the purpose of receiving the copy of the proceedings u/s 207 Cr.P.C., framing of charges, questioning under Section 313 Cr.P.C. and on the day on which judgment is to be pronounced. However, if for any particular reason, the presence of the petitioner is necessary, the trial court, at its wisdom, shall direct their appearance on those days. Consequently, connected miscellaneous petitions, if any, are closed.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

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To

1.The Judicial Magistrate Court No.I,
Tirupur.

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

+6cc to Mr.S.B.Viswanathan, Advocate, S.R.No.53391,53387,53392,
53388,53386,53390

+1cc to Mr.T.Saikrishnan, Advocate, S.R.No.52999

CrI.O.P.Nos.15614, 15615,
15616, 15617, 15619 and 15620 of 2019

SR-II(CO)
SB(24/11/2021)