



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

CRL.O.P.NOS.19102 TO 19104 OF 2017

AND

CRL.M.P.NOS.11587 AND 11592 OF 2017

Senthil TSP

... Petitioner/Accused in
all the Petitions

Versus

The Reliance Capital Limited,
Rep. by its Legal Manager R.Kumaran,
No.5, Haddows Road,
Nungambakkam, Chennai.

... Respondent/Complainant
in all the Petitions

PRAYER:-

Criminal Original Petitions filed under Section 482 Cr.P.C.,
to call for the records in C.C.Nos.5140, 1901 and 1070 of 2017
pending on the file of the learned XVIII Metropolitan
Magistrate, Saidapet, Chennai and quash the same.

For Petitioner : Mr.M.Guruprasad
in all Petitions

For Respondent : No appearance
in all Petitions

C O M M O N O R D E R

These Criminal Original Petitions have been filed to quash
the proceedings in C.C.Nos.5140, 1901 and 1070 of 2017 pending
on the file of the learned XVIII Metropolitan Magistrate,
Saidapet, Chennai.

2. Heard the learned counsel appearing for the petitioner
and perused the materials available on record.

3. The learned counsel appearing for the petitioner
submitted that the complaints filed by the complainant in



C.C.Nos.5140, 19103 and 1070 of 2017 are not maintainable, since the complaints itself are silent about who is the proprietorship of the concern.

4. Court is unable to persuade itself further with such submission, for the simple reason that the impugned cheque has been admittedly issued by the first accused and the person who had signed the cheque is the second accused. The petitioner herein is the third accused, who is the father of the second accused. The very complaint itself clearly indicate that both the petitioner/third accused and second accused had borrowed the amount and signed the loan application as co-applicant. In such a view of the matter, this Court is not inclined to entertain these Criminal Original Petitions.

5. Accordingly, these Criminal Original Petitions are dismissed. It is for the petitioner to take all his defence before the trial Court. The accused are directed to appear before the trial Court within two weeks from the date of receipt of a copy of this order and file an application under Section 436 of Code of Criminal Procedure. On such filing of the application, trial Court is directed to release the petitioner on bail on the same day on executing a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) each with two sureties. If thereafter, he absconds, a fresh FIR can be registered under Section 229 A of the Indian Penal Code. Consequently, connected Criminal Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

psa/mvs

To

1. The XVIII Metropolitan Magistrate,
Saidapet, Chennai.

+1cc to Mr.M.Guruprasad, Advocate, S.R.No.62735

CRL.O.P.NOS.19102, 19103 AND
19104 OF 2017

GPL(CO)
PBS/14/12/2021