



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.03.2022

CORAM:

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.O.P.NOS.11890, 11895, 11900, 11905, 11906, 11911, 11913,
11976, 11980, 11984, 12078, 12094 AND 12115 OF 2019
AND

CRL.M.P.NOS.6161, 6164, 6171, 6173, 6174, 6179, 6181, 6211,
6212, 6213, 6258, 6262 AND 6286 OF 2019

Vee Ess Forgings Private Limited,
Represented by its Director
Mrs.Vengatachalam Ambujam,
Registered Office at:-
Plot No.128, 80 Ft. Road, A-Block, Flat No.F-1,
Thanikachalam Nagar, R.K.Velavan Apartments,
Kolathur, Chennai - 600 099.

Company Address:-
Vee Ess Forgings Private Limited,
No.105, Sidco Industrial Estate,
Thirumudivakkam, Chennai - 600 044.

... Petitioner/Accused No.2 in all Crl.O.Ps

Vs.

1. United Steel Corporation,
The Partnership Firm Carrying its Business,
is registered before the Government of Tamil Nadu
in the Registrar of Firms in [Reg. No.528/2014]
Having its registered office at
No.60, Mugappair Road,
Padi, Chennai - 600 050.

Represented by its Manager & Power Attorney:-
Mr.Sanjay Modi,
Manager,
United Steel Corporation,
No.60, Mugappair Road,
Padi, Chennai - 600 050.

... Respondent/Complainant in all Crl.O.Ps



2. Vee Ess Forgings Private Limited,
Represented by its Director,
Mrs.Venkatachalam Senthil,
Registered Office at:-
Plot No.128, 80 Ft Road, A-Block, Flat No.F-1,
Thanikachalam Nagar, R.K.Velavan Apartments,
Kolathur, Chennai - 600 099.

Company Address:-
Vee Ess Forgings Private Limited,
No.105, Sidco Industrial Estate,
Thirumudivakkam, Chennai - 600 044.

3. Vee Ess Forgings Private Limited,
Represented by its Directors,
Registered Office at:-
Plot No.128, 80 Ft Road, A-Block, Flat No.F-1,
Thanikachalam Nagar, R.K.Velavan Apartments,
Kolathur, Chennai - 600 099.

Company Address:-
Vee Ess Forgings Private Limited,
No.105, Sidco Industrial Estate,
Thirumudivakkam, Chennai - 600 044.

... Respondents/Accused in all CrI.O.Ps

PRAYER: Criminal Original Petitions have been filed under Section 482 of Cr.P.C, praying to call for the records pertaining to C.C.Nos.460, 461, 453, 455, 458, 457, 456, 454, 459, 462 of 2018 and 138, 158, 139 of 2019 on the file of Fast Track Court, Magistrate Level at Ambattur and quash the same in respect of Petitioner/A2.

For Petitioner : Dr.R.Sampathkumar
in all cases

For Respondent 1 : Mr.R.Muthukumar
in all cases

COMMON ORDER

The Petitioner/Accused No.2 has filed these Criminal Original Petitions to quash the proceedings in C.C.Nos.460, 461, 453, 455, 458, 457, 456, 454, 459, 462 of 2018, 138, 158, 139 of 2019 on the file of the learned Fast Track Court, Magistrate Level at Ambattur.



2.Dr.R.Sampathkumar, learned Counsel for the Petitioner submits that the Petitioner is aged about 90 years and she is no more a Director and she is not a signatory to the cheques or any other documents. Therefore, she has filed this batch of Criminal Original Petitions seeking to quash the private complaint filed by the First Respondent.

3.Mr.R.Muthukumar, learned Counsel for the First Respondent/De-facto Complainant relies on the averments in paragraph No.4 of the quash petition and submits that the Petitioner herself had agreed that she had been in charge of the Management of the Company for a brief period and her son also was a Director. Paragraph 4 of the affidavit is extracted as under:

"4.I further state that I never used to issue any cheques to any company right from my induction from February 2018 to till the date of closing the activities of the company by June, 2018. Therefore, I state that my role in the company is only from February, 2018 to June 2018 ie., five months alone. In the above said period I have never took any responsibility of the business and I was not knowing the details of cheques issued to M/s.United Steel Corporation, the Respondent/Complainant herein. However, my son has explained me that it is a usual practice of issuing advance security cheque to the suppliers including the Respondent/Complainant herein and the materials were purchased and after manufacturing the products that will be supplied to the relevant companies by sale. The purchasers will pay the cost of the materials which will be credited into the companies account from where the cheques issued to the suppliers will be deposited and encashed. This is the routine practice of the company. However, being a house wife I was not able to understand the real transaction of the company in any manner."

4.In the light of the above admission in paragraph No.4 of the affidavit filed in support of the petitions seeking quash of the private Complaint cannot be entertained. It is a matter of evidence before the trial Court and therefore, this Court cannot quash the complaint.

5.Considering the rival submission of the learned Counsel for the Petitioner as well as the First Respondent/Complainant and considering the age of the Petitioner, the learned Counsel for the Petitioner is advised to file appropriate Petition under



Section 205 of Cr.P.C. before the trial Court. Learned Judicial Magistrate/Fast Track Court, Ambattur, is directed to consider the Petition, if any, filed on behalf of the Petitioner who is Accused No.2 before the trial Court. The other materials placed by the learned Counsel for the Petitioner in this Petition cannot be considered as it is a matter of evidence to be proved during trial. The prima facie valuable defence cannot be a material to quash the proceedings before this Court.

In the light of the above discussion, these Criminal Original Petitions are dismissed. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

SRM

To

The Presiding Officer,
Fast Track Court,
Magistrate Level at Ambattur.

+13ccs to M/s.R.Muthukumar, Advocate, S.R.Nos.22431 to 22443

Cr1.O.P.Nos.11890, 11895, 11900, 11905, 11906, 11911, 11913,
11976, 11980, 11984, 12078, 12094 and 12115 of 2019

BP(CO)

RLP(28/04/2022)