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Crl.O.P.No.22773 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.10.2022

CORAM:

THE HONOURABLE MR. JUSTICE V. SIVAGNANAM

Crl.O.P.No.22773 of 2022
and Crl.MP.Nos.14750 & 14597 of 2022

Sheela

... Petitioner

Vs

M/s.Shriram Chits TN (P) Ltd.,
rep.by its Senior Manager
Mr.V.Ramesh
No.124, Kutuchery road,
Mylapore, Chennai - 4

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C.
praying to call for the records relating to proceedings in STC No.589 of 2021
on the file of the X Small Cause Court, Chennai and quash the same.

For Petitioners : Mr.I. Arockia Selvaraj

ORDER

This criminal original petition has been filed to call for the records
relating to proceedings in STC No.589 of 2021 on the file of the X Small



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Cause Court, Chennai and quash the same.

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2. The learned counsel for the petitioner submitted that the petitioner is an accused in S.T.C.No.589 of 2021 on the file of the X Small Cause Court, Chennai. The respondent/complainant had filed a complaint against the petitioner for dishonour of cheque bearing No.745747 dated 24.10.2017. He further submitted that suppressing the Civil suit and Execution Petition filed before the lower Court the respondent/complainant has initiated the criminal proceedings against the petitioner which is liable to be quashed.

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

4. From the records, it reveals that the respondent/complainant filed a complaint against the petitioner for the offence punishable under Section 138 of N.I.Act before the X Small Cause Court, Chennai in STC.No.589 of 2021 and in the complaint, it is stated that the petitioner participated in the auction held on 17.10.2013 and became a successful bidder and won the bid amount



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of Rs.2,00,000/- and received a sum of Rs.3,00,000/- by way of cheque dated 17.12.2013, thereafter in order to repay that outstanding amount of Rs.5 lakhs the petitioner issued a cheque bearing No.745747 dated 24.10.2017 drawn through Dena Bank, Tambaram Branch and it was presented for collection and returned with an endorsement that “funds insufficient”. Thereafter, the respondent/complainant has issued a legal notice and filed a criminal complaint and the same is pending.

5. The factual dispute is that suppressing the Civil suit and Execution Petition filed before the lower Court, the complainant filed this criminal complaint is not a valid ground for quashing the criminal proceedings against the petitioner, since both civil and criminal liability are having parallel remedy. Therefore for dishonour of cheque this criminal proceedings has been preferred by the respondent/complainant and it has to be adjudicated in the criminal liability. Therefore, I find no merits in the petition. Accordingly the criminal original petition stands dismissed. Consequently connected miscellaneous petition is also closed.



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6. At this stage, the learned counsel for the petitioner sought indulgence of the Court, to dispense with the personal appearance of the petitioner before the trial Court.

7. In view of the submissions of the learned counsel for the petitioner, the personal appearance of the petitioner before the trial Court is dispensed on condition that she should appear before the trial Court as and when required by the trial Court.

14.10.2022

Internet: Yes
Speaking/Non speaking order
dpq

To

1. The X Small Cause Court,
Chennai
2. The Public Prosecutor,
High Court of Madras.



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V. SIVAGNANAM, J.

dpq

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