



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 10.01.2022

C O R A M

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Crl. O.P. No.5191 of 2017
and Crl.M.P.No.3861 of 2017

1.M/s.Arkee Infra & Interiors Private Limited
Represented by its Managing Director
S.Chitti Babu,
Sam Avenue, Sembakkam,
Chennai-600 073.

2.S.Chitti Babu ...Petitioners/Accused
Versus
Pradeep Kumar Pandey ...Respondent/Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records in S.T.C.No.426 of 2016 on the file of Judicial Magistrate, Ambattur and quash the same.

For Petitioners : M/s.B.Harikrishnan
For Respondent : Mr.K.Sivakumar

O R D E R

This Criminal Original Petition has been filed to call for the records in S.T.C.No.426 of 2016 on the file of Judicial Magistrate, Ambattur and quash the same.

2. The case of the defacto complainant is that the accused has borrowed a sum of Rs.12,00,000/- and issued a cheque towards the above debt. When the cheque was presented for encashment, the same was dishonoured for the reason "Insufficient funds". After complying the statutory notice, the defacto complainant has filed the complaint.

3.Learned counsel for the petitioners submitted that the main ground on which the quashment of proceedings is sought for before this Court is that notice dated 24.05.2016 was issued in mechanical manner. Therefore, when the notice did not contain proper details, the complaint lodged by the complainant is not maintainable. Hence, he prayed to quash the proceedings.



4. At the outset, I am unable to persuade myself to accept the submission of the learned counsel for the petitioners to quash the petition. The very notice dated 24.05.2016 itself indicates that there are sufficient documents available that the cheque has been issued towards the payment due by the petitioners. The demand notice was also issued for repayment of the amount to the tune of Rs.12,00,000/-. Therefore, this Court is of the view that there are sufficient averments made in this petition and the statutory notice also issued within the time limit cannot be said that the notice is bereft of details.

5. In such a view of the matter, this Court is of the view that quashing of the case cannot be considered, at this point of time. Accordingly, this Criminal Original Petition is dismissed with a direction to the Trial Court to expedite and dispose the main case within a period of three(3) months from the date of receipt of a copy of this order. It is for the petitioners to take all their defence before the trial Court. It is open to the accused to file an application under Section 436 of Code of Criminal Procedure before the trial Court. On such filing of the application within two weeks from the date of receipt of a copy of this order by the petitioners, trial Court is directed to release the petitioners 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, they abscond, a fresh FIR can be registered under Section 229 A of the Indian Penal Code. Consequently, connected Criminal Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

msv/nr
To

The Judicial Magistrate, Ambattur

+1 CC to Mr.B. Hari Krishnan, Advocate sr 1840.

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MT (CO)
SP(08/02/2022)