

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 3/1/2022

C O R A M

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

CrI. O.P. No.20861 of 2017

a n d

CrI.M.P.Nos.12415 and 12416 of 2017

1.M/s. Susee Automotive Pvt Ltd
rep. By its Managing Director-cum-
Authorised Signatory
J. Rajiv Subramaniam
89/102 Theni Main Road
Madurai 625 008.

2.J.Rajiv Subramaniam

3.S.Jeyabalan

...Petitioners

Vs

HDFC Bank Ltd
rep. By its Manager
169 - A Lufthansa Building
III Floor, Anna Salai
Chennai 600 002.

...Respondent

PRAYER : Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records in C.C.No.3274 of 2017 on the file of the FTC - II Metropolitan Magistrate Court, Egmore, Allikulam, Chennai and to quash the same.

For Petitioners ... Mr.R.Sidharth

For Respondent ... Mr.S.Namasivayam

O R D E R

This Criminal Original Petition has been filed to quash C.C.No.3274 of 2017 on the file of the FTC - II Metropolitan Magistrate Court, Egmore, Allikulam, Chennai.

2. The complaint filed by the respondent was sought to be quashed in this proceedings mainly on the ground that the complaint was taken cognisance after the period of limitation.

The date of the impugned cheque was 24/8/2016, dishonoured on the same date, statutory notice was issued on 8/11/2016 and the same was received on 11/11/2016. The complaint has been filed before the Court, only on 9/6/2017 beyond the period of limitation. Hence sought for quashment of the entire proceedings.

3. Vide, order, dated 23/11/2021, this Court had called for the report from the learned FTC - II, Metropolitan Magistrate, Egmore at Allikulam, Chennai, as to whether the application for condonation has been filed, while taking cognisance of the complaint made in C.C.No.3274 of 2017.

4. The report dated 4/12/2021 of the Metropolitan Magistrate, Fast Track Court - II, Egmore @ Allikulam Complex, Mooremarket, Chennai 3, was received. On a perusal of the report makes it very clear that statutory notice dated 8/11/2016 was received by the accused on 11/11/2016, on expiry of fifteen days. The present complaint was filed on 9/12/2016, within the limitation period. Therefore, no application for condonation is required. As the complaint has been filed and taken on cognisance within a period of limitation, the question of quashing the proceedings does not arise at all.

5. In view of the above observation, this Criminal Original Petition is dismissed.

6. At this stage, the learned counsel appearing for the petitioners requested this Court to dispense with the presence of the petitioners. Taking into consideration, the facts and circumstances of the case, the presence of the petitioners before the Trial Court is dispensed with except for receipt of copies, answering the charges, questioning under Section 313 Cr.P.C., or on any other date as may be required by the trial Court. They shall be represented by a counsel, who shall cross examine the witnesses on the same day, when they are examined in Chief.

Consequently, the connected Criminal Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

mvs

To

The FTC - II Metropolitan Magistrate Court,
Egmore, Allikulam, Chennai.

+1cc to Mr.S.Namasivayam, Advocate SR. No.741

Cr1. O.P. No.20861 of 2017

UM (CO)
PR (25/01/2022)