



Crl.O.P.No.24595 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.10.2022

CORAM:

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

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V.T.Sreenivasan

... Petitioner

Vs

1. M/s.URC Construction (P) Ltd.,
Rep.by its Managing Director
Mr.C.Devarajan
Registered Office at Door No.119, Power House Road
Erode 638 001
Head Office at URC Nagar
3rd Steet, Veerappampalayam
Thindal (Post)
Erode 638 012
Represented by power agent
M.Kettimuthu

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the entire records in S.T.C.No.91 of 2016 on the file of the Fast Track Court II (Magisterial Level) Erode and quash the same by allowing this criminal original petition.



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For Petitioner : Mr.E.D.Sethupathi

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ORDER

This criminal original petition has been filed to call for the entire records in S.T.C.No.91 of 2016 on the file of the Fast Track Court II (Magisterial Level) Erode and quash the same.

2. The learned counsel for the petitioner submitted that there was a business transaction between the complainant and the petitioner/accused. In the said business transaction, the petitioner gave two cheques drawn by the Tadpatri Co-operative Town Bank Ltd., Tadpatri branch bearing No.6245 dated 05.10.2012 for a sum of Rs.50,00,000/- and another cheque bearing No.6246 dated 15.10.2012 for a sum of Rs.49,20,000/-. Since both the cheques were dishonoured a complaint has been lodged and the case has been taken on file in STC.No.91 of 2016 by the Fast Track Court No.II (Magisterial Level), Erode and now criminal proceeding is pending against the petitioner. For the same cause of action, with regard to non supply of goods, the complainant filed a civil suit for recovery of money against the petitioner before the VIth Additional District Court, Ooty in O.S.No.24 of 2015. Since a



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civil case has been filed for recovery of money with regard to the same transaction the criminal proceedings in STC.No.91 of 2016 on the file of the Fast Track Court No.II (Magisterial Level), Erode is not maintainable and prays to quash the same.

3. I have considered the submission of the learned counsel for the petitioner and perused the materials available on record.

4. On perusal of the records, it reveals that the petitioner is an accused in STC.No.91 of 2016 on the file of the Fast Track Court No.II (Magisterial Level), Erode. In the complaint it is stated that there was a business transaction between the complainant and the petitioner/accused and the petitioner/accused promised to supply the materials and received money in advance on various dates. Since the petitioner failed to supply materials, he has to pay nearly Rs.1,14,00,000/-. In order to discharge his liability, the petitioner/accused gave two cheques drawn by the Tadpatri Co-operative Town Bank Ltd., Tadpatri branch bearing No.6245 dated 05.10.2012 for a sum of Rs.50,00,000/- and another cheque No.6246 dated 15.10.2012 for a



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sum of Rs.49,20,000/- which were returned for the reason “Funds Insufficient”. Thereafter, the complainant issued a legal notice and a complaint has been filed. Admittedly the cheques issued by the petitioner/accused is maintained in his account is not in dispute. The only contention of the petitioner is that for recovery of the amount and for non supply of goods already the complainant has filed a Civil Suit in O.S.No.24 of 2015 before the VI Additional District Court, Ooty. Hence his contention is that the criminal proceeding filed against the petitioner before the Fast Track Court II (Magisterial Level), Erode in STC.No.91 of 2016 is not maintainable. The liability of a person for the transaction either in criminal or civil both are having parallel remedy.

5. Any business transaction may involve under the criminal offence, this Court cannot denude the criminal offence. Therefore, it does not meet the parameters laid down by the Supreme Court in ***State of Haryana vs. Ch.BhajanLal (AIR 1992 SC 604)***, ***M/s Neeharika Infrastructure Pvt. Ltd. Vs. State of Maharashtra and others (2021 SCC online 315)*** & ***PRATIBHA RANI Vs.SURAJ KUMAR & ANR (1985 CrI.L.J.817)***, the matter has to be



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adjudicated to find out the truth. Therefore, it is inappropriate to quash the
STC.No.91 of 2016 on the file of the Fast Track Court No.II (Magisterial
Level)) Erode. Therefore, I find no merits, accordingly, the criminal original
petition is dismissed.

11.10.2022

Internet: Yes
Speaking/Non speaking order
dpq

To

1. The Fast Track Court II (Magisterial Level)
Erode .
2. The Public Prosecutor,
High Court of Madras.



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V. SIVAGNANAM, J.

dpq

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