



Crl.O.P.No.2943 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2023

CORAM

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.2943 of 2021

and

Crl.M.P.Nos.1661 and 1662 of 2021

1. M/s Inox Wind Limited,
registered Office at:
Plot No.1, Khasra Nos.264 to 267
Industrial Area Village Basal Una
Himachal Pradesh-174 303
India
represented by Kalyan Ghosh
2. Devansh Jain
Managing Director
M/s Inox Wind Limited
3. Shanti Prasad Jain
Director
M/s Inox Wind Limited
4. Bindu Saxena
Director
M/s Inox Wind Limited
5. Venkatanarayanan
Sankaranarayanan
Director
M/s Inox Wind Limited



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6. Narayan Lodha
Director
M/s Inox Wind Limited

7. Deepak Banga
Director
M/s Inox Wind Limited

... Petitioners

-Vs-

Surface Transport Carriers of India
Bhavani Purushothaman
represented by her Power of Attorney
Chandrasekar

... Respondent

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C to call for the records in C.C.No.4069 of 2019 pending on file of the Ld. FTC-III, Metropolitan Magistrate, Saidapet, Chennai and quash the same.

For Petitioners : Mr.P.Abhishek
for Mr.Thriyambak

For Respondent : Mr.A.M.Elango

ORDER

This Criminal Original Petition has been filed calling for the records in C.C.No.4069 of 2019 pending on file of the Learned FTC-III, Metropolitan Magistrate, Saidapet, Chennai and to quash the same.

2. Heard the learned counsel for the petitioners and the learned counsel for the respondent and perused the materials available on record.



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3. The respondent is the complainant and he lodged a complaint for the offence under Section 138 of NI Act.

4. The crux of the complaint is that the petitioners and the respondent had entered into a business from the year 2017 for transportation of parts of Wind Operated Electricity Generator. For supply of the materials, the respondent raised invoices to the value of Rs.2,26,70,000/-, by way of 14 invoices on various dates from February 2017-March 2018. The accused also acknowledged the invoices and towards the settlement of part payment, they had issued cheque. The cheque was presented for collection. However, it was returned for the reason "Payment Stopped by Drawer". After causing statutory notice, the respondent initiated proceedings under Section 138 of Negotiable Instruments Act.

5. There are totally 13 accused, in which the petitioners are arrayed as A1, A2, A6, A9, A10 to A13. The only ground raised by the petitioners is that when they are willing and ready to settle the cheque amount, the respondent is refusing to receive the amount. Therefore, pending this quash petition, this matter has been referred before the Mediation. Even then the petitioners failed



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to settle the amount when the respondent is very much ready and willing to

receive the amount. Even till today, the petitioners failed to settle the amount.

Therefore, mere pendency of this petition would not serve any purpose, since no ground is raised to quash the proceedings. If at all the petitioners want to settle the amount, they can very well settle before the Trial Court.

6. In view of the above, this Court is not inclined to quash the proceedings in C.C.No.4069 of 2019 pending on file of the Learned FTC-III, Metropolitan Magistrate, Saidapet, Chennai.

7. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous petitions are closed.

03.11.2023

Internet: Yes

Index : Yes/No

Speaking/Non Speaking order
mn



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G.K.ILANTHIRAIYAN. J.

mn

To

The FTC-III, Metropolitan Magistrate, Saidapet, Chennai.

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and

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