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Crl.O.P.Nos.4544, 4551, 4558 and 4562 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.12.2023

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.Nos.4544, 4551, 4558 and 4562 of 2022

and

Crl.M.P.Nos.2360, 2363, 2367 and 2369 of 2022

1.K.P.S.Tours and Travels Private Limited,
Represented by Kamaladoss,
No.1, 'A' Siva Vishnu Kovil Street,
Rajaji Puram,
Tiruvallur – 602001.

2.Kamaladoss

... Petitioners in
all Crl.OPs

Vs.

George

... Respondent in
Crl.O.P.No.4544 of 2022

Ezhumalai

... Respondent in
Crl.O.P.No.4551 of 2022

Sangeetha

... Respondent in
Crl.O.P.No.4558 of 2022

Arun

... Respondent in
Crl.O.P.No.4562 of 2022



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PRAYER in Crl.O.P.No.4544 of 2022:- Criminal Original Petition filed under Section 482 of Cr.P.C. praying to call for records in S.T.C.No.108 of 2019 on the file of the learned Judicial Magistrate, Fast Track Court at Magistrate Level at Tiruvallur and quash the same.

PRAYER in Crl.O.P.No.4551 of 2022:- Criminal Original Petition filed under Section 482 of Cr.P.C. praying to call for records in S.T.C.No.109 of 2019 on the file of the learned Judicial Magistrate, Fast Track Court at Magistrate Level at Tiruvallur and quash the same.

PRAYER in Crl.O.P.No.4558 of 2022:- Criminal Original Petition filed under Section 482 of Cr.P.C. praying to call for records in S.T.C.No.110 of 2019 on the file of the learned Judicial Magistrate, Fast Track Court at Magistrate Level at Tiruvallur and quash the same.

PRAYER in Crl.O.P.No.4562 of 2022:- Criminal Original Petition filed under Section 482 of Cr.P.C. praying to call for records in S.T.C.No.111 of 2019 on the file of the learned Judicial Magistrate, Fast Track Court at Magistrate Level at Tiruvallur and quash the same.

In all Crl.OPs

For Petitioners : Mr.A.S.Aswin Prasanna
For Respondent : M/s.M.Udaiya Bhanu

COMMON ORDER

These Criminal Original Petitions have been filed to quash the proceedings in S.T.C.Nos.108, 109, 110 and 111 of 2019, on the file of the learned Judicial Magistrate, Fast Track Court at Magistrate Level at Tiruvallur.



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

3. The crux of the complaint in all the proceedings initiated by the respondents in all the criminal original petitions is that the petitioners are running Tours and Travels in the name of “K.P.S.Tours and Travels Private Limited”. The petitioners introduced various schemes and on the assurance given by the petitioners, the respondents invested their respective monies. The petitioners assured that the profit will be shared and received the money for the development of Tours and Travels. However, the petitioners failed to share the profits as assured by them and as such, the respondents opted out from the petitioners company. The petitioners agreed to return the amount which were already invested by the respondents. Accordingly, the petitioners issued cheques and the same were presented for collection. However, the cheques were returned dishonoured for the reason “Insufficient Funds”. Hence, the complaint. On receipt of the complaint, the Trial Court had taken cognizance in S.T.C.Nos.108, 109, 110 and 111 of 2019.

4. The learned counsel for the petitioners in all the petitions submitted



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that the cheques were not issued for any legally enforceable debt. In fact, the cheques were obtained in coercion of the District Crime Branch Police, Tiruvallur, on the complaint lodged by the respondents. Further, on 03.09.2019, the second petitioner lodged a complaint before the Police authorities. However, no action has been taken. Therefore, the second petitioner filed a writ petition before this Court in W.P.No.27209 of 2019 for registration of complaint. However, the prayer was not considered and it was directed to raise the grounds before the Trial Court, since already the respondents initiated the proceedings for the offence under Section 138 of Negotiable Instruments Act.

5. Though the petitioner had taken a specific stand that the cheques which were presented by the respondents for collection were obtained under coercion, the petitioners failed to prove the same. That apart, the grounds raised by the petitioners are mixed question of facts and it can be considered only before the Trial Court during trial by letting in evidence. The petitioners did not deny the signature as well as the issuance of cheques. After having issued the cheques, the petitioners had taken a stand that those cheques were obtained under coercion. Therefore, the petitioners failed to make out any ground to quash the proceedings.



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6. Therefore, this Court is not inclined to quash the proceedings in S.T.C.Nos.108, 109, 110 and 111 of 2019, on the file of the learned Judicial Magistrate, Fast Track Court at Magistrate Level at Tiruvallur. Accordingly, these Criminal Original Petitions are dismissed. Consequently, connected Miscellaneous petitions are closed.

01.12.2023

Internet : Yes / No
Index : Yes / No
Speaking / Non Speaking order
mn

To

The Judicial Magistrate,
Fast Track Court at Magistrate Level at Tiruvallur.



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G.K.ILANTHIRAIYAN, J.

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Crl.O.P.Nos.4544, 4551, 4558 and 4562 of 2022
and
Crl.M.P.Nos.2367, 2363, 2369 and 2360 of 2022

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