



Crl.O.P.No.5229 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.10.2023

CORAM:

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

CRL.O.P.No.5229 of 2019 and
Crl.M.P.No.3031 of 2019

A.R.Ravichandran

... Petitioner

Vs.

M/s.Faithful Realtors and Probuild Pvt. Ltd.,
Plot No.38, Survey No.91,
Kunnappattu Village,
Manamathy Post,
Thiruporur Taluk,
Kancheepuram District 603 105
Represented by its POA
V.Senthil Kumar

... Respondent

PRAYER:

Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to call for the records in complaint filed by the respondent / complainant under Section 138 of the Negotiable Instruments Act against the petitioner / accused in CC.No.5879 of 2016 on the file of the Fast Track Court No.III, Saidapet and to quash the same.

For Petitioner : Mr.S.Senthil

For Respondent : No appearance



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ORDER

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This criminal original petition has been filed to quash the proceedings of the complaint filed by the respondent / complainant under Section 138 of the Negotiable Instruments Act against the petitioner / accused in CC.No.5879 of 2016 on the file of the Fast Track Court No.III, Saidapet

2. The crux of the complaint is that the complainant along with its sister concerns have a joint development agreement with a company called 'One Hub (Chennai) Private Limited. It is a joint venture company of Ireo and Ascendas. It is a developer of an Integrated Industrial Park situated at Old Mahabalipuram Road and comprised in the five villages of Paiyanoor, Amur, Panchanthiruthi, Kunnappattu and Adigamanallur in Kancheepuram District. It has enlisted the active support of the Government of Tamilnadu and entered into a memorandum of understanding dated 10.01.2012. The said project is targeted to attract Japanese and other investments to the State. The petitioner and his family had about 170 acres of land within the project area and agreed to sell the same to the respondent at Rs.48,00,000/- per acre. Accordingly, they also conveyed 58 acres of land to the respondent in the year 2010. They also assured to execute all other property. Therefore, the complainant had paid a



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sum of Rs.5 crores towards sale consideration for particular parcel of land on the assurance that the land would be registered on the following day. However, the petitioner went back on his assurance and neither registered any sale deed nor returned the money. The sisters concern of the respondent company had also paid further consideration of Rs.6 crores towards the property admeasuring 23 acres in Kunnappattu Village. Though the petitioner received substantial amount of sale consideration, he failed to honour his commitment as agreed by him. After receipt of huge advance, the petitioner failed to execute sale deed and refused to carry out the transaction as originally agreed by him. Finally, the said agreement was withdrawn and the accused undertook to refund the entire advance by the letter dated 21.11.2014. As per the undertaking, the accused issued cheque for a sum of Rs.5 crores. The said cheque was presented for collection and however, it was returned dishonoured on the ground of insufficient funds'. After causing statutory notice, the complainant lodged complaint.

3. The learned counsel for the petitioner raised the only ground that being a company, without any board proceedings, the respondent filed complaint.



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4. On perusal of records, revealed that the respondent is represented by its power of attorney. On perusal of power of attorney, revealed that the respondent had executed power of attorney in favour of the power holder. That apart, the grounds raised by the petitioner involves question of facts and it can be considered only before the trial court during the trial. Therefore, this Court finds no ground to quash the complaint filed by the respondent for the offence punishable under Section 138 of NI Act.

5. Accordingly, this criminal original petition is dismissed. Consequently, connected miscellaneous petition is closed.

30.10.2023

Index :Yes/No

(2/2)

Internet : Yes/No

Speaking order/non-speaking order
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- To
- 1.The Fast Track Court No.III,
Saidapet
 - 2.V.Senthil Kumar,
POA,
M/s.Faithful Realtors and Probuild Pvt. Ltd.,
Plot No.38, Survey No.91,
Kunnapattu Village,
Manamathy Post,
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G.K.ILANTHIRAIYAN, J.

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