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Crl.O.P.No.8126 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.10.2023

CORAM:

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

CRL.O.P.No.8126 of 2021 and
Crl.MP.Nos.5350 & 5352 of 2021

Sun Promoters,
Represented by its Proprietor,
R.Srinivasan,
No.124/1-8, Muniyappu Street,
Perambur, Chennai 600 011

... Petitioner

Vs.

Chithra

... Respondent

PRAYER: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to call for the records on the file of the Judicial Magistrate, Madurantakam and to quash the proceedings in CC.No.15 of 2021 insofar as the petitioner.

For Petitioner : Mr.V.V.Sairam

For Respondent : No appearance

ORDER

This criminal original petition has been filed to quash the proceedings in CC.No.15 of 2021 on the file of the Judicial Magistrate, Madurantakam taken cognizance for the offence under Section 138 of Negotiable Instruments Act as against the petitioner and another.



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2. The respondent filed complaint for the offence punishable under

Section 138 of NI Act alleging that the accused borrowed as sum of Rs.7 lakhs as loan and issued cheque for the said sum towards repayment of the loan. The said cheque was presented for collection. However, it was returned for the reason 'insufficient funds'. After causing statutory notice, the respondent lodged complaint and the same has been taken cognizance and issued summons to the petitioner. The petitioner is arrayed as A2.

3. The learned counsel for the petitioner would submit that the petitioner was not served any notice as contemplated under Section 138(B) of NI Act. Summons only was issued to the correct address, whereas the statutory notice was issued to wrong address. Therefore, there was no cause of action to lodge complaint as against the petitioner under Section 138 of NI Act.

4. On perusal of records, revealed that the petitioner was issued notice and the same was returned. Therefore the ground raised by the petitioner that the statutory notice was issued to the right address or wrong address do not arise, since statutory notice was returned by the petitioner. That apart, the petitioner failed to produce the certified copy of the statutory notice or any



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document to show that the respondent issued statutory notice to wrong address. Therefore, this petition has been filed only to drag the proceedings and this Court finds no ground to quash the complaint lodged by the respondent.

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

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Index :Yes/No

Internet : Yes/No

Speaking order/non-speaking order

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G.K.ILANTHIRAIYAN, J.

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To

1.Judicial Magistrate,
Madurantakam

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