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Crl.O.P.No.9132 of 2023

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED: 26.04.2023**

**CORAM:**

**THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN**

**Crl.O.P.No.9132 of 2023**

**and**

**Crl.M.P.Nos.5864 and 5866 of 2023**

- 1.M/s.JR Furnace & Ovens Pvt Ltd,  
Represented by its Director Mr.R.Jayashankar,  
Formerly at No.L4, SIDCO Industrial Estate,  
Villivakkam, Chennai – 600 049.
- 2.R.Jayashankar,  
Director M/s.JR Furnace & Ovens Pvt Ltd,  
Formerly at No.L4, SIDCO Industrial Estate,  
Villivakkam, Chennai – 600 049.
- 3.Hemalatha Ramadoss,  
Director M/s.JR Furnace & Ovens Pvt Ltd,  
All the three petitioners are having their registered office  
at No.F.48, SIPCOT Industrial Complex,  
Gummidipoondi – 621 201.

...Petitioners

**Vs.**

M/s.Sunash Techno Solutions Private Limited,  
Represented by its Director and Authorised signatory,  
Mr.R.Sundar, No.221/2. Thirumudivakkam Main Road,  
Chennai – 600 044.

...Respondents



Cr.L.O.P.No.9132 of 2023

**PRAYER:** Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records in connection with the proceedings in CC.No.357 of 2023 on the file of the District Munsif cum Judicial Magistrate, at Pallavaram New and to quash the same.

For Petitioners : Mr.S.Kanniah

**ORDER**

This Criminal Original Petition is filed to call for the records in connection with the proceedings in CC.No.357 of 2023 on the file of the District Munsif cum Judicial Magistrate, at Pallavaram New and to quash the same.

2. Learned counsel for the petitioners challenges the case instituted under Section 138 of Negotiable Instruments Act pending on the file of the District Munsif cum Judicial Magistrate, at Pallavaram in C.C.No.357 of 2023 on three grounds,

(i) The Statutory Notice was not given to the correct address of the petitioner.

(ii) The summon issued for appearance was on 03.04.2023, which is a holiday for the Sub-ordinate Courts.

(iii) Petitioner is willing to pay the cheque amount to the complainant.



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On all these grounds, learned counsel for the petitioners seeks quashment of the proceedings in CC.No.357 of 2023 on the file of the District Munsif cum Judicial Magistrate, at Pallavaram.

3.Considered the submissions and perused the records.

4. (i) With regard to the submissions of the learned counsel for the petitioners that, Statutory Notice was not sent to the correct address, is a disputed fact and this Court sitting in 482 CrPC cannot go into this disputed fact.

(ii) With regard to the 2<sup>nd</sup> ground that summon was sent on 03.04.2023, which was a holiday for Sub-ordinate Courts, this Court is of the view that, even if it is a holiday, this itself is not a ground for quashing the complaint.

(iii) Insofar as the 3<sup>rd</sup> ground is concerned, payment if any, should have been made on receipt of the Statutory notice and within the time given for payment by the complainant. Subsequent offer of payment can be accepted, subject to the willingness of the complainant. This Court cannot



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direct the complainant to accept the payment from the petitioner.

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5. In such view of the matter, this Court is not inclined to quash the proceedings in CC.No.357 of 2023 on the file of the District Munsif cum Judicial Magistrate, at Pallavaram.

6. Accordingly, this Criminal Original Petition is dismissed. Consequently, the connected Miscellaneous Petitions are closed.

**26.04.2023**

Internet :Yes

Index :Yes/No

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To:

The District Munsif cum Judicial Magistrate,  
Pallavaram.



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**G.CHANDRASEKHARAN, J.**

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**26.04.2023**