



IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 24.07.2023

CORAM :

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P.No.14639 of 2023
and Crl.MP.Nos.9121 & 9123 of 2022

- 1.Dr.Kandhadi Jagadish Reddy, M/44 years
Director
M/s.Sai Sravan Health Care Pvt.Ltd.,
Son of Late. Kandhadi Rangareddy
4-1-121/254/A, Plot No.254/A
VST Colony Nacharam PS, Uppa
Telangana-500 076.
- 2.Dr.Mallikarjun Pulluri, M/59 years
Director
M/s.Sai Sravan Health Care Pvt.Ltd.,
Son of Late Ramulu
Residing at No.11-116/6, Srisai Garden
Ramathapur, Uppal
K.V.Rangareddy District
Telangana-500 013.
- 3.Dr.Venkata Agapati Santosh Kumar, M/50 Years
Director
M/s.Sai Sravan Health Care Pvt.Ltd.,
Son of Late A.Srinivasulu
Residing at No.1-7-8, Vignanpuri Colony
Street No.8, Hasbiguda
Hyderabad
Telangana-500 007.

... Petitioners/Accused-3 to 5

Vs.



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1.S.Karthic

S/o.S.Sathyanarayanan

..Respondent-1/Complainant

2.M/s.Sai Sravan Health Care Pvt.Ltd.,
Rep.by its Director
Dr.Chittipala Srinivas
H.No.2-1-8/1, Nagole X Road
Nagole, Hederabad
Telangana 500 016.

3.Dr.Chittipala Srinivas

Director

M/s.Sai Sravan Health Care Pvt.Ltd.,
H.No.2-1-8/1, Nagole X Road
Nagole, Hederabad
Telangana 500 016.

..Respondents-2&3/Accused-1 & 2

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to withdraw the complaint in C.C.No.887 of 2019, on the file of the Fast Track Court at Poonamallee, Tiruvallur and to transfer the same and hear along with CC.No.2533 of 2021, pending on the file of the Fast Track Court No.I, Allikulam at Chennai.

For Petitioners : Mr.MA.P.Thangavel

For Respondents : Mr.R.Ravi
for R1

ORDER

This petition has been filed seeking to withdraw the complaint in C.C.No.887 of 2019, pending on the file of the Fast Track Court at



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2.Heard Mr.MA.P.Thangavel, learned counsel for the petitioners and Mr.R.Ravi, learned counsel appearing on behalf of the 1st respondent.

3.The learned counsel for the petitioners submitted that the entire dispute arose out of an agreement dated 15.03.2019 and pursuant to the agreement, the petitioners had issued blank cheques to the complainant and his assets for security purpose. These cheques were filled up and have been used against the petitioners by filing complaint u/s 138 of the Negotiable Instruments Act, 1881. Accordingly, there are three complaints pending against the petitioners and they are ; (a) C.C.No.887 of 2019, on the of the Fast Track Court at Poonamallee, (b) C.C.No.2533 of 2021, pending on the file of Fast Track Court No.I, Allikulam, Chennai, and (c) C.C.No.362 of 2020, pending on the file of Fast Track Court-II, Allikulam, Chennai. This case is said to have been transferred to XXV Metropolitan Magistrate Court, Egmore.



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4. The learned counsel for the respondent submitted that the petitioners do not appear before the Court below and that there are many complaints pending against the petitioners for dishonour of cheques and warrant has been issued and hence, the learned counsel wanted this Court to take note of the conduct of the petitioners. The learned counsel further submitted that the respondent is disputing the fact that the cheques were given pursuant to the agreement dated 15.03.2019.

5. In the considered view of this Court, it is not necessary for this Court to go into the rival claims that were made on either side. Already, two complaints are pending at Egmore and one complaint which is the subject matter in this petition is pending before the Fast Track Court at Poonamallee. The respondent is a resident of Valasaravakkam and hence, transferring the case pending at Poonamallee to the file of XXV Metropolitan Magistrate Court at Egmore, will not cause any hardship to the respondent. Considering the allegation made against the petitioners by the learned counsel for the respondent, this Court will provide sufficient safeguards to ensure that the cases are disposed of within a time frame.



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6. In the light of the above discussion, the proceedings in C.C.No.887 of 2019, on the file of the Fast Track Court at Poonamallee is transferred to the file of the Fast Track Court at Allikulam. Similarly, the proceedings in CC.No.362 of 2020, on the file of the XXV Metropolitan Magistrate Court, Egmore, is also transferred to the file of the Fast Track Court, Allikulam. All the three complaints shall be dealt with by the Fast Track Court at Allikulam. Wherever warrants are pending against the petitioners, the petitioners are directed to surrender before the Fast Track Court-I, Allikulam and seek for the recall of the warrant. The concerned Court shall recall the warrant after getting a bond from the petitioners u/s 88 of Cr.PC. There shall be a further direction to the Fast Track Court-I, Allikulam, to dispose of C.C.No.887 of 2019, CC.No.2533 of 2021 and CC.No.362 of 2020, within a period of **six months** from the date of receipt of copy of the order.

7. This criminal original petition is disposed of with the above directions. Consequently, connected miscellaneous petitions are closed.

24.07.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
KP



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N. ANAND VENKATESH, J.
kp

To

- 1.XXV Metropolitan Magistrate Court,
Egmore.
2. Fast Track Court No. I, Allikulam.
Chennai.
- 3.Fast Track Court, Poonamallee
Tiruvallur.

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