



Crl.O.P.No.21150 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.07.2023

CORAM

THE HONOURABLE MR. JUSTICE V. SIVAGNANAM

Crl.O.P.No.21150 of 2019
and
Crl.M.P.Nos.10915 & 10916 of 2019

1.N.Praveena		
2.B.Somasekhar	...	Petitioners
	Vs	
M.Suresh Babu	...	Respondent

Prayer: Criminal Original Petition has been filed under Section 482 Cr.P.C. to call for records and quash the criminal proceedings in S.T.C.No.115 of 2019 on the file of the Judicial Magistrate, Fast Track at Hosur.

For Petitioners : Mr.M.P.Saravanan

For Respondent : Ms.A.Reshma

ORDER

Challenging the criminal proceeding in S.T.C.No.115 of 2019 on the file of the Judicial Magistrate, Fast Track Court at Hosur, the criminal original petition has been filed.



Crl.O.P.No.21150 of 2019

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2.The learned counsel for the petitioners submitted that the petitioners are the second and third accused in S.T.C.No.115 of 2019 on the file of the Judicial Magistrate, Fast Track Court, Hosur. The respondent filed a private complaint against the petitioners along with one another accused under Section 200 of Cr.P.C read with Section 138 to 142 of Negotiable Instrument Act for dishonour of cheque No.000245 dated 12.04.2019 a sum of Rs.1,38,76,831/-.

3.Further, the learned counsel for the petitioners submitted that the disputed cheque was signed by the first accused, who is the proprietor of the R.V.Information Technologies. These petitioners/A2 & A3, who are wife and brother of the first accused, had not signed the disputed cheque as well as not signed any transaction and they have no role in R.V.Information Technologies. Under these circumstances, no offence under Section 138 of N.I.Act is made out against these petitioners, hence, seeking to quash.



CrI.O.P.No.21150 of 2019

WEB COPY

4.The learned counsel for the respondent submitted that the cheque was signed by the first accused and also not able to produce any document to implicate these petitioners for offence committed under Section 138 of the Negotiable Instruments Act.

5.I have considered the matter in the light of the submissions made by the learned counsel for the petitioners as well as the learned counsel for the respondent.

6. On perusal of the records, it is seen that the petitioners are the second and third accused in S.T.C.No.115 of 2019 on the file of the Judicial Magistrate, Fast Track Court, Hosur. The respondent filed a private complaint against the petitioners along with one another accused under Section 200 of Cr.P.C read with Section 138 to 142 of Negotiable Instrument Act for dishonour of cheque No.000245 dated 12.04.2019 a sum of Rs.1,38,76,831/-. The disputed cheque was signed for R.V.Information Technologies by the first accused, who is the proprietor of the R.V.Information Technologies. These



Crl.O.P.No.21150 of 2019

WEB COPY

petitioners/A2 & A3, who are wife and brother of the first accused, had not signed the disputed cheque as well as not signed any transaction and they have no role in R.V.Information Technologies. Under these circumstances, no offence under Section 138 of N.I.Act is made out against these petitioners.

7.Further on perusal of the complaint and the relevant records, it is seen that in para -2 of the complaint, the complainant stated that the three accused own a construction company in the name and style of M/s.Sri Sai Constructions at Hosur. Further, it is seen that the disputed cheque was issued by the first accused for R.V.Information Technologies and there is no allegation to connect the petitioners with the R.V.Information Technologies and further, there is no material on record to connect the petitioners and to implicate with the disputed cheque and the transaction for R.V.Information Technologies.



Crl.O.P.No.21150 of 2019

WEB COPY

8.Under these circumstances, accepting the allegation and the complaint as it is true, no offence is made out as against the petitioners under Section 138 of N.I.Act, so, continuing the criminal proceeding against the petitioners is inappropriate. Hence, the criminal proceeding in S.T.C.No.115 of 2019 against the petitioners on the file of the Judicial Magistrate, Fast Track Court, Hosur, is hereby quashed. Accordingly, the criminal original petition is allowed. Consequently, connected miscellaneous petitions are closed.

Index: yes/no
Internet:yes/no
sms
To

05.07.2023

The Learned Judicial Magistrate,
Fast Track Court, Hosur.



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Crl.O.P.No.21150 of 2019

V. SIVAGNANAM, J.

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Crl.O.P.No.21150 of 2019
and
Crl.M.P.Nos.10915 & 10916 of 2019

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