



Crl.O.P. No.21876 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.06.2023

CORAM:

THE HON'BLE Mr. JUSTICE SUNDER MOHAN

Crl.O.P. No.21876 of 2021
and Crl.M.P. No.11891 of 2021

M.Senthil Kumar

...Petitioner/4th Accused

Versus

1. N.L. Lengaram

2. M/s. Dreams Systems (P) Ltd,
Rep. by its Managing Director,
Mr.Y.Jayaprakash,
No.56/61, Kamarajar Salai, Ashok Nagar
Chennai – 600 083.

3. Mr. Y. Jayaprakash

4. Mrs. Y. Supriya

...Respondents/Accused 1 to 3

PRAYER : Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, seeking to call for the records pertaining to the proceedings in C.C.No.1484 of 2018 on the file of FTC – II, Metropolitan Magistrate Court at Allikulam, Chennai for the offence punishable under Section 138 of the Negotiable Instruments Act and quash the same.



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For Petitioner : M/s. G.Anandhi
For Respondents : No Appearance

ORDER

The petition is to quash the complaint filed for the offence under Section 138 r/w 141 of the Negotiable Instruments Act.

2. It is submitted by the learned counsel for the petitioner that the petitioner is not a Director in the first accused company. He is only an employee in that company and, therefore, not in charge and responsible to the company for the conduct of its business.

3. This Court finds that the points raised by the petitioner are factual in nature and has to be adjudicated only before the trial Court. However, it is open to the petitioner to raise all the points before the trial Court and the trial Court shall consider the same on merits. Hence, this Court is not inclined to entertain this petition.



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4. The personal appearance of the petitioner in C.C.No.1484 of 2018 on the file of the FTC – II, Metropolitan Magistrate Court at Allikulam, Chennai, is dispensed with unless the learned Magistrate considers his presence necessary for the progress of the trial.

5. Since the case is of the year 2018, this Court is of the view that the FTC- II, Metropolitan Magistrate Court, Allikulam, Chennai, may expedite the process of trial and complete it as expeditiously as possible in the above case.

6. With these above observations, this Criminal Original Petition is dismissed. Consequently, the connected miscellaneous petition is closed.

15.06.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation Case: Yes/No
dk
To
The FTC – II,
Metropolitan Magistrate Court at Allikulam,
Chennai.



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SUNDER MOHAN, J.

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and Crl.M.P.No. 11891 of 2021

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