



Crl.O.P.Nos.22921, 22937, 23422 and 23414 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2023

CORAM:

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

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and

**Crl.M.P.Nos.12521, 12523, 12546, 12548, 12852, 12853, 12850 and
12851 of 2021**

V.Lakshmanan
Proprietor (Authorised Signatory)
Sree Visalam Industries,
No.51/B, Krishnagiri Road,
(Opp. Anand Electricals)
Hosur 635 109.

...Petitioner **in all Crl.O.Ps**

-Vs-

Sathyanarayan Agarwal,
Managing Director,
Mahalakshmi Bright Steel Industries
Private Limited,
(Corporate Identity No.U27100tn2011PTC090623)
No.255/3C, Sadayankuppan Main Road,
Manali,
Chennai 600 103.

Represented by its Manager & Power of Attorney,
Sanjay Modi
Manager,
Mahalakshmi Bright Steel Industries
Private Limited,
No.255/3C, Sadayankuppan Main Road,
Manali,
Chennai 600 103.

... Respondent **in all Crl.O.Ps**



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Prayer in Crl.O.P.No.22921 of 2021:- Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records pertaining to C.C.No.112 of 2017 on the file of the learned Judicial Magistrate, Fast Track Court, Ambattur, Chennai and quash the same.

Prayer in Crl.O.P.No.22937 of 2021:- Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records pertaining to CC.No.65 of 2017 on the file of the Learned Judicial Magistrate, Fast Track Court, Ambattur, Chennai and quash the same.

Prayer in Crl.O.P.No.23422 of 2021:- Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records pertaining to CC.No.126 of 2017 on the file of the Learned Judicial Magistrate, Fast Track Court, Ambattur, Chennai and quash the same.

Prayer in Crl.O.P.No.23414 of 2021:- Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records pertaining to CC.No.95 of 2017 on the file of the Learned Judicial Magistrate, Fast Track Court, Ambattur, Chennai and quash the same.

In all Crl.O.Ps

For Petitioner : Mr.M.D.Thirunavukkarasu

For Respondent : Mr.C.P.Sivamohan



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COMMON ORDER

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These Criminal Original Petitions have been filed to quash the proceedings in C.C.No.112 of 2017, C.C.No.65 of 2017, C.C.No.126 of 2017 and C.C.No.95 of 2017, on the file of the learned Judicial Magistrate, Fast Track Court, Ambattur, Chennai.

2. Heard the learned counsel for the petitioner and the learned counsel for the respondent and perused the materials available on record.

3. In all these petitions, the petitioner and the respondent are one and the same. The respondent lodged a complaint for the offence punishable under Section 138 of Negotiable Instruments Act alleging that the respondent is doing steels business. During the course of steel business, the petitioner had purchased steel materials under the invoices on various dates. On discharging the legal liability, the petitioner issued four cheques. All the cheques were presented for collection and the same were returned, for the reason “Payment Stopped by Drawer”. After issuance of legal notice, the respondent lodged complaint.



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4. The learned counsel for the petitioner would submit that on purchase of steel from the respondent, 50% of the materials were defective in nature. That apart, the cheques which were alleged in the complaint were issued for security purpose, at the time of business transaction. Therefore, the cheques were not issued for the entire amount as per the invoices. The defective amount was not deducted and the cheque was presented for entire amount. Therefore, the petitioner stopped the payment from honouring the cheques.

5. A perusal of records revealed that on receipt of the statutory notice, the respondent did not even reply to the effect that 50% of the goods supplied by the respondent are defective in nature. That apart, after issuance of the cheques for the materials received by the petitioner under the invoices, they cleverly stopped the payment.

6. That apart, the grounds raised by the petitioner cannot be considered before this Court, since it is a mixed question of facts. The grounds can only be considered before the Trial Court by letting evidence. The learned counsel for the petitioner also submitted that now,



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they are ready and willing to settle the amount due to the respondent.

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7. In view of the above, this Court is not inclined to quash the proceedings in C.C.No.112 of 2017, C.C.No.65 of 2017, C.C.No.126 of 2017 and C.C.No.95 of 2017, on the file of the learned Judicial Magistrate, Fast Track Court, Ambattur, Chennai. The petitioner is at liberty to settle the amount before the Trial Court. If the petitioner settles the amount, the Trial Court is directed to deal with the matter by way of settlement. The Trial Court is directed to complete the trial in C.C.No.112 of 2017, C.C.No.65 of 2017, C.C.No.126 of 2017 and C.C.No.95 of 2017, within a period of three months from the date of receipt of a copy of this order.

8. Accordingly, these Criminal Original Petitions are dismissed. Consequently, connected Miscellaneous Petitions are closed.

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Internet: Yes
Index : Yes/No
Speaking/Non Speaking order
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G.K.ILANTHIRAIYAN. J,

mn

To

The Judicial Magistrate, Fast Track Court,
Ambattur, Chennai.

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