



Crl.O.P.No.23911 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.11.2023

CORAM:

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

Crl.O.P.No.23911 of 2021
and Crl.M.P.Nos.13166 & 13168 of 2021

1. Ankit Agarwal
2. Sunil Kumar Sharma

...Petitioners

Vs.

M/s. Shri Veeraganapathi Steels Pvt. Ltd.,
Represented by its Director,
Narayan Maheshwari,
No.177/2, P.H. Road,
Flat No.703, Legend Apartment,
Chennai – 600 010.

... Respondent

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records in C.C.No.372 of 2017 pending on the file of the learned VII Metropolitan Magistrate at George Town, Chennai and quash the same as against the petitioners/accused No.3 and accused No.8.

For Petitioners : Mr.M.A.Mathew Berchmans

For Respondent : No appearance



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ORDER

This petition has been filed to quash the proceedings in C.C.No.372 of 2017 on the file of the learned VII Metropolitan Magistrate at George Town, Chennai, thereby taken cognizance for the offence punishable under Section 138 of the Negotiable Instruments Act (hereinafter called as “the NI Act”), as against the petitioners.

2. The petitioners are the accused 3 & 8 in the complaint lodged by the respondent for the offence punishable under Section 138 of the NI Act. The crux of the complaint is that in the course of business transactions, the accused persons had issued two cheques for a total sum of Rs.10,00,000/- and the said cheques were presented for collection. However, they were returned dishonored for the reason funds insufficient. After causing statutory notice, the respondent filed the present complaint.

3. The learned counsel appearing for the petitioners submitted that the petitioners are arrayed as A3 to A8 and they are nothing to do with the offence alleged by the respondent. Though, they were directors of the first accused company, they were resigned from their directorship



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and also filed Form 12 before the Registrar of Company. It was also recorded and it revealed that the petitioners had resigned from their directorship as early as on 18.11.2015. Whereas the alleged cheques were issued by the first accused company on 06.03.2016 and 12.03.2016. On behalf of the first accused, the cheques were signed by the petitioners. Further the first accused company is not existing and the management of the first accused company has been taken by the interim professional as appointed by the National Company Law Tribunal.

4. Heard the learned counsel appearing for the petitioner. Though issued notice to the respondent and also private notice was also taken, it was returned as “left”. Further today, no one is appearing on behalf of the respondent either by person nor through pleader.

5. It is seen that already the matter was settled before the trial Court insofar as the other accused. That apart, insofar as the accused 2,4,5 and 7 are concerned, this Court quashed the proceeding in Crl.O.P.No.6409 of 2017 and Crl.O.P.No.5272 of 2018. Further, on perusal of the extract of A dairy from the trial Court also revealed that the complainant absent and there was no representation for so many



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hearings. The trial Court also issued summons to the defacto complainant. Therefore, this Court feels that pendency of the above proceedings would not serve any purpose. In order to met the ends of justice, the proceedings is liable to be quashed.

6. Accordingly, the impugned proceeding in C.C.No.372 of 2017 on the file of the learned VII Metropolitan Magistrate at George Town, Chennai, is hereby quashed and the Criminal Original Petition stands allowed. Consequently, connected miscellaneous petitions are closed.

09.11.2023

Internet: Yes
Index : Yes/No
Speaking/Non Speaking order

rts



WEB COPY

To

1. The VII Metropolitan Magistrate,
George Town,
Chennai.



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G.K.ILANTHIRAIYAN. J.

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