



Crl.O.P.Nos. 27449 & 27944 of 2019

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2023

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THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.O.P. Nos. 27449 & 27944 of 2019

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Crl.M.P. Nos. 14604, 14605 & 14882 of 2019

Tanuj Manubhai Patel ... Petitioner in Crl.O.P. No. 27449 of 2019

Archana Tanuj Patel ... Petitioner in Crl.O.P. No. 27944 of 2019

Vs.

Sundar Lakshmi Agencies and Traders Private Limited

Represented through its Managing Director

Mr. R.Raj Kumar

S/o. Dr.V.Rajeshwaran

B1, Gulmohar Apartments,

Door No.35, South Boag Road,

T.Nagar,

Chennai – 17.

... Respondent



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PRAYER: Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to call for the entire records in C.C.No.10043 of 2018 pending on the file of the Fast Track Court No.III, Metropolitan Magistrate Courts, Saidapet, Chennai and quash the same.

For Petitioner : Mr. Bhadri Narayanan
(in both petitions) for Ms. Deepika Murali.

For Respondent : Mr. R.Venkatajalapathy
(in both petitions) for Mr. S.Kadarkarai

COMMON ORDER

The petitions are filed to quash the private complaint for the alleged offences under Section 138, 141 and 142 of the Negotiable Instruments Act, 1881.

2. The petitioners are arrayed as A2 and A3, respectively, in the complaint. The allegation is that the 1st accused company had issued a



cheque for a sum of Rs.29,75,340/- in favour of the respondent in discharge of their liability. The petitioners are shown as Directors in the cause title in the impugned complaint.

3. The learned counsel for the petitioners submitted that there is no allegation in the complaint to invoke Section 141 of the Negotiable Instruments Act. The basic averments that the petitioners were incharge of and responsible to the accused company for the conduct of its business or that the offence was committed with the consent or connivance of the petitioners are absent in the impugned complaint.

4. The learned counsel for the respondent would submit that the question as to whether the petitioners are incharge of and responsible to the accused company for the conduct of its business is a matter for Trial and prayed for a dismissal of the quash petition.

5. This Court finds that there is no allegation in the impugned complaint to invoke Section 141 of the Negotiable Instruments Act and



prosecute the petitioners. The only averment in the complaint is that the accused are jointly and severely liable to repay the alleged dues to the respondent. The said allegation does not satisfy the requirement under Section 141 of the Act. Hence, the complaint is liable to be quashed as against the petitioners alone.

6. Accordingly, the petitions are allowed. Consequently, the connected miscellaneous petitions are closed. No costs.

7. The Fast Track Court III, Metropolitan Magistrate Court, Saidapet, is directed to expedite the Trial in respect of the other accused and complete the same preferably within a period of 3 months from the date of receipt of a copy of this order.

27.04.2023

Index : Yes/No
Internet : Yes/No
Neutral Citation : Yes/No
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To

The Fast Track Court No.III,
Metropolitan Magistrate Courts,
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