



Crl.O.P.No.24211 of 2023 & Crl.M.P.No.16881 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 22.12.2023

Coram:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.24211 of 2023
& Crl.M.P.No.16881 of 2023

1. Otabu Certification Pvt. Ltd.
Having Permanent Office at
Plot No.10, Najafgarh Road,
Near Metro Pillar No.713,
Uttam Nagar, New Delhi West – 110 059.
2. Anti Gupta,
Rep. By its Directors, of Otabu Certification Pvt. Ltd.,
Having Permanent Office at,
Plot No.10, Najafgarh Road,
Near Metro Pillar No.713,
Uttam Nagar, New Delhi West – 110 059.
3. Radhey Shyam,
Rep. By its Directors of Otabu Certification Pvt. Ltd.,
Having Permanent Office at,
Plot No.10, Najafgarh Road,
Near Metro Pillar No.713,
Uttam Nagar, New Delhi West – 110 059. ... Petitioners/Accused 1 to 3

/versus/



Crl.O.P.No.24211 of 2023 & Crl.M.P.No.16881 of 2023

Athenese-DX Pvt Ltd., Rep. By,
Mr.J.Rex – Manager,
No.407 & 408, 4th Floor,
TICEL BIO Park – II,
No.5, CSIR Road,
Taramani, Chennai.

Respondent/ defacto Complainant

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., pleaded to call for the records in STC.PC.No.1038 of 2023 on the file of the Learned V Fast Track Court, Magistrate Level Saidapet, Chennai.

For Petitioners : Mr.V.Krishnamoorthy

For Respondent : Mr.R.Venkatesh

ORDER

This Criminal Original Petition to quash the complaint under Section 138 of N.I. Act is filed on two grounds. First, it is contended that, the Statutory Notice was not sent to the accused address and it was returned as insufficient address. This was done with an intention so that, the petitioner will not be in a position to reply to the Statutory Notice. Second ground is that, there was continuous correspondence regarding the goods supplied by the complainant and the petitioner disputing the liability. While so, these correspondence was between



Crl.O.P.No.24211 of 2023 & Crl.M.P.No.16881 of 2023

1st of May 2021 and 29th of May 2021. The cheques which is now the subject matter of the complaint alleged to have been issued between 13.05.2021 and 26.05.2021, which would apparently show that, the cheques were not issued on the date on which it bears.

2. The Learned Counsel for the complainant/respondent submitted that, the Statutory Notice was sent to the addressee, where the goods was delivered as per the invoices.

3. The petitioner/accused, after issuance of cheque to discharge the liability, had informed the bank to stop payment mentioning the cheque number, date and amount and therefore, there cannot be a doubt about issue of cheque on the particular date.

4. This Court, after perusing the records finds that, the point raised by the petitioner is disputed facts, which has to be established in the course of trial and by exercising its power under Section 482 of Cr.P.C., the complaint cannot be quashed, since there is *prima facie* material to take cognizance of the offence and



Crl.O.P.No.24211 of 2023 & Crl.M.P.No.16881 of 2023

proceed in accordance with law.

WEB COPY

5. Accordingly, this Criminal Original Petition is dismissed.

Consequently, connected Miscellaneous Petition is closed.

22.12.2023

Index :Yes/No.

Internet :Yes/No.

Speaking Order/Non-Speaking Order

bsm

Copy to:-

1. The Learned V Fast Track Court, Magistrate Level Saidapet, Chennai.



WEB COPY



Crl.O.P.No.24211 of 2023 & Crl.M.P.No.16881 of 2023

DR.G.JAYACHANDRAN, J.

bsm

Crl.O.P.No.24211 of 2023
& Crl.M.P.No.16881 of 2023

22.12.2023

Page No.5/5