



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.11.2023

CORAM :

THE HONOURABLE Dr. JUSTICE G.JAYACHANDRAN

Crl.O.P.No.22086 of 2023
and
Crl.M.P. Nos.15332 & 15333 of 2023

Satish Rao Chennamaneni
Director

... Petitioner

-VS-

1.P.R.Jayshree

2.M/s.Galaxy Renewable Energy Private Limited,
No.7, Welders Street, Anna Salai,
Chennai 600 002,
Represented by its Directors.

3.Rajamurugan

...Respondents

PRAYER : Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to call for the records and quash the proceedings in C.C. No.3698 of 2021 on the file of the Fast Track Court (Metropolitan Magistrate Court, Saidapet) in so far as the petitioner herein is concerned.

For Petitioner	: Mr.J.Pothiraj
For Respondent 1	: Ms.M.Vidya

**ORDER**

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This petition is filed to quash the private complaint initiated under Section 138 of the Negotiable Instruments Act, 1881.

2. The petitioner herein is the 3rd accused in the private complaint being one of the Director of the Company which has issued the cheque. The prime contention raised in the quash petition is that the petitioner was not the Director at the time of issuance of the cheque, though formal release deed from the Directorship was not recorded by ROC. That apart, the issuance of the cheque was only for the personal liability of the other Director which could be easily found from the notice issued and the complaint.

3. The learned counsel appearing for the petitioner also submitted that through A2, it was informed to the complainant that this petitioner is no more in charge of affairs of the Company and been colluded from the Directorship, despite that the complaint been filed and this petitioner is prosecuted for offence under Section 138 of the Negotiable Instruments Act, 1881.

4. Ms.M.Vidya, learned counsel appearing for the petitioner/defacto complainant submitted that this petitioner did not replied for the statutory notice. Further, an e.mail dated 19.09.2023, been relied by the learned counsel for the petitioner which was sent two months after the filing of the complaint.



The present stand taken by the petitioner is an after thought, at the stage of questioning the accused under Section 313 of Cr.P.C.

5. The learned counsel for the respondent/complainant also submitted that this petitioner had not even properly participated in the trial and presently Non Bailable Warrant is issued to secure his presence. Be that as it may, the point raised by the petitioner herein was not put to the notice of the complainant before lodging of the complaint inspite of receiving statutory notice, what is all stated now is subsequent to filing of this complaint. In the complaint, there are reference about A3 stating that he had been involved in the transaction and so, jointly and severally liable as a Director of the Company which has issued the cheque. The knowledge and role in the affairs of the Company, since apparently found in the complaint, it is for the accused to rebut the allegations and prove his innocence at the stage of Section 313 Cr.P.C questioning. The complaint cannot be quashed for the reason claimed by the petitioner herein which are all matter of fact to be proved in the course of trial.

6. From the material placed on record, it is clear that the petitioner was one of the Director of the Company at the date when the cheque was issued. Whether he had knowledge about the issuance of cheque or not is exclusively within his knowledge and he has to demonstrate the absence of knowledge and



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Dr.G.JAYACHANDRAN, J.

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his role as the Director of the Company. Hence, the petition is dismissed. The ground raised in the quash petition is open to the petitioner herein to raise before the trial Court, any observations made by this Court is only confined to the quash petition and not to be influenced while deciding the case finally by the trial Court. Consequently, connected Miscellaneous Petitions are also dismissed.

20.11.2023

Internet : Yes/No

Index : Yes/No

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To

The Fast Track Court

(Metropolitan Magistrate Court),

Saidapet

Crl.O.P.No.22086 of 2023

and

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