



WEB COPY

Crl.O.P.Nos.22864 & 22869 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.12.2023

CORAM :

THE HONOURABLE Dr. JUSTICE G.JAYACHANDRAN

Crl.O.P.No.22864 & 22869 of 2023

and Crl.M.P. Nos.16012, 16013, 16020 & 16021 of 2023

Mrs.Latha Srinivasan

... Petitioner in both Crl.O.Ps

-VS-

1.M/s.V.Pathy Enterprises,
No.4/299, 8th Street, Vengadesapuram,
Kottivakkam, Chennai 600 041
Rep by its Power of Attorney Holder,
Mr.Wijendran

2.M/s.Ohm Srinivasa Paper Boards P. Limited,
Sinthapalli Village, Venkatachalapuram,
Sattur – 626 283. Rep by its
Managing Director,
Mr.Satthur Raju Reddiar Srinivasan

3.Mr.Satthur Raju Reddiar Srinivasan

...Respondents in both Crl.O.Ps.

COMMON PRAYER : Criminal Original Petition has been filed under Section 407 of Criminal Procedure Code, to call for the records and complaint in S.T.C. No.2019 of 2023 & S.T.C. No.2020 of 2023, on the file of the Fast Track Court III, Metropolitan Magistrate, Saidapet, Chennai and quash the same.



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For Petitioner : Mr.J.Antony Jesus in both Crl.O.Ps

For Respondent : No Appearance

COMMON ORDER

The petitions are filed to quash the private complaint initiated under Section 138 of the Negotiable Instruments Act, 1881 and taken on file by the learned Fast Track, III Metropolitan Magistrate, Saidapet, Chennai as S.T.C. Nos.2019 & 2020 of 2023.

2. The short point canvassed in the quash petition is that the complaint does not disclose any specific overt act of the petitioner herein as a Director of the Company which has issued the cheque. Since the petitioner neither the drawer of the cheque nor the person who handles day to day affairs of the Company, she cannot be held vicariously liable.

3. This Court being prima facie satisfied that the complaint is bereft of details about the petitioner, regarding her role and responsibility in the Company which has issued the cheque. Caused notice to the defacto complainant to afford an opportunity of hearing.



4. Today when the matter was listed, it is reported that private notice served on the defacto complainant through Speed Post and same been received, however, there is no representation.

5. This Court on perusing the complaint, finds that due to business transaction between the complainant V.Pathy Enterprises and M/s.Ohm Srinivasa Paper Boards Private Limited, the subject cheque has been issued by authorised signatory, the authorised signatory is the second accused/M/s.Ohm Srinivasa Paper Boards Private Limited.

6. In the complaint, except mentioning the petitioner is a Director of the first accused Company, there is no whisper, how she is vicariously liable for the cheque issued. Hence, the petitions to quash are **allowed**. The complaint against this petitioner (3rd accused) is quashed. The trial Court shall proceed against other two persons in accordance with law. Consequently, connected Miscellaneous Petitions are closed.

12.12.2023

Index :Yes
Neutral Citation :Yes/No.
Speaking order/Non-speaking order
rkp



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Dr.G.JAYACHANDRAN,J.

rkp

To
The Fast Track Court III,
Metropolitan Magistrate,
Saidapet, Chennai.

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and

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