



CrI.O.P.No.28103 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.03.2023

fCORAM:

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

CrI.O.P.No.28103 of 2019

and

CrI.M.P.Nos.15037 and 15038 of 2019

1.M/s.EMFINITY INDIA IT SOLUTION PVT. LTD.,
Rep.by its Director and CEO,
Mr.Karthick Raj Gnanamohan,
No.14, Gandhim Pudur, Peelamedu,
Coimbatore-641 015.

Also at
SNT Tower, 2nd Floor,
MTP Road, Murugan Nagar,
Thoppampatti Pirivu, Vadamadurai,
Coimbatore-641 017.

2. MR.KARTHICK RAJ GNANAMOHAN,
D-7, Raja Rajeswari Nagar,
Thoppampatti
Coimbatore-641 017.

Also at
SNT Tower, 2nd Floor,
MTP Road, Murugan Nagar,
Thoppampatti Pirivu, Vadamadurai,
Coimbatore-641 017.

... Petitioners



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Vs.

MONEXO FINTECH PVT LTD,

Having registered office at,

No.174/2, 26th East Street,

Kamaraj Nagar,

Thiruvanmiyur,

Chennai-600 041.

Rep.by its Authorised Representative cum Co-Founder,

Mr.M.Sundar.

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records and quash the proceedings as illegal, arbitrary and unreasonable which is initiated against the petitioner in C.C.No.4438 of 2019 on the file of the Hon'ble Learned Fast Tract II Metropolitan Magistrate Court, Egmore, Chennai, pending disposal of Crl.O.P.

For Petitioners : Mr.A.R.Suresh

For Respondent : Mr.L.Ramesh Babu

ORDER

This petition has been filed to quash the proceedings in C.C.No.4438 of 2019 on the file of the Hon'ble Learned Fast Tract II Metropolitan Magistrate Court, Egmore, Chennai



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2.The allegation in the complaint is that the accused issued a cheque for Rs.20,00,000/- on 19.12.2018 towards the discharge of liability with the complainant-Company. The said cheque was presented for collection and the same was dishonoured.

3.The learned counsel for the petitioners would submit that the impugned complaint is not maintainable, as there was no dishonour of cheque and there was only dishonour of ECS instructions.

4.However, on a reading of the complaint, it is clear that a cheque was issued towards the discharge of a liability. The other points raised by the learned counsel for the petitioners have to be adjudicated only in the trial. Further, it is reported that the trial has commenced and the complainant has closed his evidence.



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5. In view of the above, this Court is not inclined to entertain this quash petition. Accordingly, this Criminal Original Petition is dismissed.

The parties are at liberty to raise all their contentions before the Trial Court. Consequently, M.Ps are closed, if any.

16.03.2023

Internet: Yes
Index: Yes/No

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To

1. The Fast Tract II Metropolitan Magistrate Court,
Egmore, Chennai.
2. The Public Prosecutor,
High Court of Madras.



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SUNDER MOHAN, J.,

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and
Crl.M.P.Nos.15037 and 15038 of 2019

16.03.2023