



CrI.OP.No.1221 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.03.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P.No.1221 of 2024

and

CrI.M.P.Nos.881 & 884 of 2024

Seema Purohit,
W/o.Bharat G.Purohit

... Petitioner

Vs.

M/s. Jindal Steels,
Rep. by its Partner,
Mrs.Dimple Bajaj,
W/o.Hemanth Bajaj,
No.5, T.V.Koil Street, Taylors Road, Kilpauk,
Chennai – 600 010.

... Respondent

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records in C.C.No.3801 of 2020 on the file of learned XXVI Metropolitan Magistrate, Fast Track Court, Egmore, Chennai and quash the same.

For Petitioner : Mr.G.Viswanathan

For Respondent : Mr.M.Sachin Vijay

ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings in C.C.No.3801 of 2020 on the file of learned XXVI Metropolitan Magistrate, Fast Track Court, Egmore, Chennai.

2. The respondent/complainant has filed a complaint against the



CrI.OP.No.1221 of 2024

petitioner and two others for offence u/s.138 of the Negotiable Instruments Act. The petitioner has been arrayed as A3 in the complaint. The case of the respondent is that they have delivered materials to the partnership firm represented by its partners and towards the said liability, cheques that were issued were presented for collection and it was dishonoured with an endorsement "Account Closed". After issuing statutory notice, the complaint has been filed before the Court below.

3. Heard Mr.G.Viswanathan, learned counsel for petitioner and Mr.M.Sachin Vijay, learned counsel for respondent.

4. The main ground that was urged before this Court was that A2 is the signatory of the cheque and he is the husband of the petitioner (A3) and there are absolutely no averments in the complaint as to how and in what manner the petitioner is in charge of and responsible for running the day-to-day affairs of the firm.

5. The relevant averments made in the complaint are extracted hereunder:



CrI.OP.No.1221 of 2024

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"2. The 2nd and 3rd accused represent the 1st accused. The 1st accused is a trading company in the steel business, carrying on work under the name and style of "Bharat Deep Traders". The 2nd accused had approached the complainant for the purpose of the purchase of steels in 2010. The complainant had delivered the product as per the orders of the 2nd accused. Thereafter there were various transactions between the complainant and the accused. A business relationship had developed whereby the complainant would extend credit, as is practice in the steel business.

5. Aggrieved by the acts of the accused 1 to 3 the complainant had issued a statutory notice to all of them, under Section 138 of the Negotiable Instruments Act, on 25.07.2017 calling upon them to pay the cheque amount. The acknowledgment of delivery confirms the receipt by the 1st accused. Shockingly, the acknowledgment for the 2nd accused was returned with an endorsement that there was no such person. The 3rd accused refused the notice. This fact alone highlights the conduct of the accused."

6. It is clear from the above that no averments have been made in the complaint as to how and in what manner the petitioner is in charge and responsible for the day-to-day affairs of the A1 firm. The issue involved is covered by the latest judgment of the Apex Court in *Ashok Shewak Ramani and others v. State of Andhra Pradesh and others*. Therefore, the continuation of proceedings as against the petitioner will result in abuse of process of law.

N.ANAND VENKATESH, J.

gm

7. In the result, the proceedings in C.C.No.3801 of 2020 on the file



Crl.OP.No.1221 of 2024

WEB COPY

of learned XXVI Metropolitan Magistrate, Fast Track Court, Egmore, Chennai, is hereby quashed insofar as the petitioner (A3) is concerned.

8. This Court has already dismissed the quash petition filed by A2 in Crl.O.P.No.3267 of 2024 and directed the proceedings to be completed within a time frame.

In the result, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petitions are closed.

15.03.2024

Speaking Order/Non-speaking Order

Index :Yes/No

Neutral citation: Yes/No

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To

The XXVI Metropolitan Magistrate,
Fast Track Court, Egmore, Chennai

Crl.O.P.No.1221 of 2024