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CrI.R.C.No.474 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2024

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THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

CrI.R.C.No.474 of 2024

M/s.State Bank of India,
Rep by its City Case Officers,
Mrs.D.Sophia Sri Ranjini,
Having its Office at SARB,
No.32, "Red Cross Building",
2nd Floor, Montieth Road,
Egmore, Chennai-600 008.

... Petitioner

Vs.

M/s.Romega Foam P Ltd.,
Rep by its Director Mrs.Sheela Ninan,
No.81, MC Nichols Road, Chetpet,
Chennai-600 031.

... Respondent

PRAYER: Criminal Revision Petition filed under Sections 397 r/w. 401 of Criminal Procedure Code, to set aside the order dated 16.11.2023 in C.C.No.1902 of 2021 passed by the XXV Metropolitan Magistrate, Egmore, Chennai.

For Petitioner : Mr.Nithyesh Natraj

ORDER

Challenging the impugned order, dated 16.11.2023 passed by the learned XXV Metropolitan Magistrate, Egmore, Chennai in C.C.No.1902 of



CrI.R.C.No.474 of 2024

2021, the present revision petition is filed.

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2.The petitioner, a Public Sector Bank filed a private complaint in C.C.No.1902 of 2021 against two persons namely M/s.Romega Foam Private Limited/A1 represented by its Director M/s.Sheela Ninan and Mrs.Sheela Ninan/A2 which was pending trial. During trial, A2 filed quash petition before this Court in CrI.O.P.No.29407 of 2022 and this Court by order, dated 09.08.2023 quashed the proceedings in C.C.No.1902 of 2021 against A2 alone finding that A2 arrayed as accused in view of the fact that she being a Director of A1 Company and there is no averment to show that she was involved in day to day affairs of A1 company and also finding that the minimum requirement under Section 141 of the Negotiable Instruments Act not found. But the Court below by impugned order, dated 16.11.2023 had recorded that as though this Court quashed the proceedings in C.C.No.1902 of 2021 as a whole and the same is not proper.

3.Since it is only a legal question, notice to the respondent is dispensed with.



4.Considering the submissions of the learned counsel for the petitioner and on perusal of the order of this Court in CrI.O.P.No.29407 of 2022, it is seen that this Court quashed the proceedings in C.C.No.1902 of 2021 in so far as A2 alone. As regards A1 is concerned, neither A1 Company approached this Court for quashing nor this Court referred quashing of case against A1 Company.

5.In this background, on perusal of the impugned order, it is seen that the Court below closed the complaint in toto in C.C.No.1902 of 2021 against both A1 and A2 which is not proper. For the reason that this Court had quashed the proceedings in C.C.No.1902 of 2021 against A2 alone. As regards A1 Company is concerned, no reference made by this Court, no order passed. Hence, the case cannot be closed against A1 Company.

6.In view of the above, the case in C.C.No.1902 of 2021 is restored to the file of the XXV Metropolitan Magistrate Court, Egmore, Chennai and the learned Magistrate can proceed with the case against A1 Company in C.C.No.1902 of 2021.



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Crl.R.C.No.474 of 2024

M.NIRMAL KUMAR, J.

vv2

7.In the result, this Criminal Revision Case stands allowed setting aside the impugned order, dated 16.11.2023 passed by the learned XXV Metropolitan Magistrate, Egmore, Chennai in C.C.No.1902 of 2021, closing the case against A1.

14.03.2024

Index : Yes/No

Speaking Order/Non Speaking Order

Neutral Citation: Yes/No

vv2

To

The XXV Metropolitan Magistrate Court,
Egmore, Chennai.

Crl.R.C.No.474 of 2024