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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.03.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P No.4491 of 2024
and CrI.MP.Nos.3296 & 3298of 2024

Mrs.Chandrakumari

...Petitioner/Accused 4

.Vs.

Mr.Mohan Das

.. Respondent/Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records in STC.No.2573 of 2022, on the file of the learned Metropolitan Magistrate, Fast Track Court IV, George Town, Chennai and quash the same as against the petitioner.

For Petitioner : Mr.S.Sadhasharam

For Respondent : Mr.J.Ashish

ORDER

This petition has been filed to quash the petitioner in S.T.C.No2573/2022 on the file of the Metropolitan Magistrate FTC No.IV, George Town, Chennai.

2. The respondent/complainant had filed a private complaint under Section

138 of the Negotiable Instruments Act, against the Company and its Directors. The



petitioner was arrayed as A4 on the ground that she is the wife of A2 and that she is also a Director in the A1 Company. The present quash petition has been filed on the ground that petitioner is neither a Director in the Company nor was a signatory of the cheque and therefore, the continuation of the criminal proceedings as against the petitioner will result in abuse of process of law.

3. Heard the learned counsel for the petitioner and the learned counsel for the respondent.

4. The only issue that has been raised for consideration in the present case is as to whether the complaint against the petitioner (A4) is sustainable, since the petitioner claims that she is neither a Director of the Company nor was a signatory to the cheque.

5. The learned counsel appearing for the petitioner relied upon the official documents showing the Directors of the Company. Only two names have been shown as Directors and the name of the petitioner has not been included as a Director. The document that has been relied upon by the learned counsel for the petitioner is of sterling quality which can be relied upon by this Court.

6. There is no dispute with regard to the fact that the cheque was signed only by A2 on behalf of A1 Company. The petitioner has been described as an Executive Director by respondent without any basis.



7. In the light of the above discussion, the petitioner cannot be made to suffer a criminal prosecution instituted against the Company and its Director. The petitioner was neither a Director nor was a signatory to the cheque. She only happens to be the wife of A2. Therefore, continuation of criminal proceedings as against the petitioner will result in abuse of process of law, which requires the interference of this Court.

8. In the result, this Criminal Original Petition is allowed and the proceedings in S.T.C.No.2573 of 2022 on the file of the Metropolitan Magistrate Fast Tract Court No-IV, George Town, Chennai, is quashed, only insofar as the petitioner is concerned. The Court below shall proceed further with the complaint insofar as the other accused persons are concerned and shall complete the proceedings within a period of three months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petitions are closed.

20.03.2024

Index: Yes/No
Speaking Order/Non Speaking Order
kp

To

Metropolitan Magistrate
Fast Track Court IV
George Town, Chennai.



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N.ANAND VENKATESH.,J

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