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Crl.O.P.No.7542 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.04.2024

CORAM

THE HONOURABLE DR.JUSTICE **G.JAYACHANDRAN**

Crl.O.P.Nos.7542, 7546 & 7553 of 2024

and

Crl.M.P.Nos.5483, 5485, 5487, 5488, 5490 & 5492 of 2024

Crl.O.P.No.7542 of 2024

Lakshmi Ramani

... Petitioner

Vs.

R.Sampath

... Respondent

Crl.O.P.No.7546 of 2024

1.M/s.Best Waters,
Represented by its Proprietary Lakshmi Ramani
Near Adayar Post Office,
No.70, 5th Street, Padmanabha Nagar,
Adayar, Chennai-600 020.

2.Lakshmi Ramani

... Petitioner

Vs.

R.Sampath

... Respondent

Crl.O.P.No.7553 of 2024

1.M/s.Best Property Developers,
Represented by its Proprietary Lakshmi Ramani
No.70, 5th Street, Padmanabha Nagar,
Adayar, Chennai-600 020.



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2.Lakshmi Ramani

... Petitioner

Vs.

R.Sampath

... Respondent

Common Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleased to call for the records relating to the private complaint in STC.Nos.3698, 3639 & 3699 of 2023 on the file of the Metropolitan Magistrate Court, Fast Track-III, Saidapet, Chennai and quash the same.

For Petitioners : Dr.S.Lingesh

COMMON ORDER

These three Criminal Original Petitions are filed to quash a private complaint initiated under Section 138 of Negotiable Instruments Act, which has taken cognizance by the trial Court in S.T.C.Nos.3639, 3698 & 3699 of 2023.

2. The learned counsel appearing for the petitioners states that the complainant, who was former employ under the petitioner, had misused the signed cheque and had initiated the complaint. He would submit that the 2nd petitioner is not the proprietor of the 1st petitioner concerned, just to harass her, the complaint has been filed with false



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averments. He would also submit that one of the cheque, the petitioner is not a signatory, but her husband is the signatory and therefore, the complaint has to be quashed.

3. When this Court put a pertinent question whether this grounds were raised when the statutory notice issued to her, the learned counsel referred the reply notice dated 16.06.2023. However, on perusing the reply notice, this Court finds that this is a reply given by the husband of the petitioner and not by the petitioner. There is no whisper about the proprietaryship of the account holder or who is the authorized signatory. Having not disclosed this fact by way of reply, this Court does not find any fault in taking cognizance by the trial Court. Now it is open for the petitioners herein to take all those plea in the trial and prove the reverse burden caused on her.

4. Hence, these ***Criminal Original Petitions are dismissed.*** Consequently, the connected Criminal Miscellaneous Petitions are also dismissed. Any observations made shall not prejudice the trial Court to decide the case on merit, this observation only for disposal of the quash



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petition.

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Dr.G.JAYACHANDRAN,J.

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5. The learned counsel appearing for the petitioner citing the age and ill health of the 2nd petitioner, seeks dispensed with his personal appearance. If any such request is emanated from the petitioner herein, the trial Court shall take into consideration such request sympathetically and pass appropriate orders.

04.04.2024

Index : Yes/No

Neutral Citation : Yes/No

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To

The Metropolitan Magistrate Court, Fast Track-III, Saidapet, Chennai

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and

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