



CrI.O.P.No.7713 of 2022

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

DATED : 02.02.2024

CORAM:

**THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI**

CrI.O.P.No.7713 of 2022  
and  
CrI.M.P.Nos.4448 & 4449 of 2022

P.Saraswathi

... Petitioner

Versus

M/s. Arihant Investment,  
rep. by its Partner  
Mr.Jitendra Mehta

... Respondent

**PRAYER** : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the proceedings in C.C.No. 2093 of 2019 pending before the Fast Track Court-IV at George Town, Chennai and quash the same.

For Petitioner : Mr.S.Suresh

For Respondent : Mr.M.Sunilkumar



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## **ORDER**

This Criminal Original Petition has been filed seeking to quash the charge sheet in C.C. No. 2093 of 2019 on the file of learned Fast Track Court-IV at George Town, Chennai.

2. Heard both sides.

3. The petitioner is ranked as A5 in the private complaint filed in C.C.No.2093 of 2019 by the respondent/defacto complainant under Sec.138 of Negotiable Instruments Act. As per the complaint, the 1<sup>st</sup> accused is the Company, wherein the accused 2 to 5 are Directors of the Company and on 22.07.2016, for business purpose, the accused have borrowed a loan amount of Rs.35,95,696/- from the respondent, for which, they have issued a cheque dated 15.06.2019 towards liability. When it was presented for collection with their banker, it was returned unpaid for the reason “Fund insufficient”. Hence, after issuance of notice, he initiated the proceedings under Sec.138 of Negotiable Instruments Act.



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4. The learned counsel for petitioner would submit that 1<sup>st</sup> accused is the Company and accused 2 to 5 are Directors. All these persons are incharge and responsible for the affairs of the company. Immediately, the petitioner/A5 filed this petition to quash the complaint stating that she is aged about 80 years and she is no way connected with the company affairs. Hence, he prayed to discharge her from the proceedings of the complaint as if she has no role with the offence as alleged by the respondent.

4. By way of reply, the learned counsel appearing for respondent would submit that as a Director, she is also looking after the affairs of company. Hence, they have initiated proceedings against her.

5. Records perused. On seeing the facts, it reveals that though she is one of the Director of A1 company, she is aged about 80 years. If at all, any evidence is available, she has to work out her remedy before the trial court along with other accused. Hence, I do not find any irregularity in



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the complaint initiated by the respondent and this Court is not inclined to quash the proceedings initiated against her. Accordingly, this Criminal Original Petition is dismissed. However, since the case is pending from the year of 2019, the trial judge is directed to dispose the case as expeditiously as possible. Consequently, connected Criminal Miscellaneous Petition in Crl.M.P.No. 4448 of 2022 is closed. In so far as Crl.M.P.No. 4449 of 2022 is concerned, on considering the fact that the petitioner is aged about 80 years old senior citizen, the personal appearance of the petitioner is ordered to be dispensed with and shall appear as and when required by the trial court.

**02.02.2024**

Index: Yes/No  
Internet: Yes/No  
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**T.V.THAMILSELVI, J.**

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**02.02.2024**