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Crl.R.C.Nos.720, 721 & 722 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2024

CORAM

THE HONOURABLE **MR.JUSTICE M.NIRMAL KUMAR**

Crl.R.C.Nos.720, 721 & 722 of 2023

and

Crl.M.P.Nos.5627, 5628 & 5636 of 2023

ATV Projects India Limited,
No.D-8, MIDC, Street No.16,
Marol, Mumbai – 83 by its
Chairman & Managing Director,
Mr.Mahesh Chaturvedi

... Petitioner in all Crl.R.Cs.

Vs.

Integrated Finance Company Ltd.,
R-10, Second Floor, Prem Nagar Colony,
South Boag Road, T.Nagar,
Chennai – 600 017.

... Respondent in all Crl.R.Cs.

PRAYER in Crl.R.C.No.720 of 2023: Criminal Revision Petition filed under Sections 397 r/w. 401 of Criminal Procedure Code, to call for the records in connection with the impugned order dated 27.01.2023 passed in Crl.M.P.No.1580 of 2022 in C.C.No.447 of 2017 on the file of the learned Metropolitan Magistrate, Fast Track Court-IV, George Town, Chennai, set aside the same and consequently, allow Crl.M.P.No.1580 of 2022 in C.C.No.447 of 2017.

PRAYER in Crl.R.C.No.721 of 2023: Criminal Revision Petition filed under Sections 397 r/w. 401 of Criminal Procedure Code, to call for the records in connection with the impugned order dated 27.01.2023 passed in



Crl.M.P.No.3072 of 2022 in S.T.C.No.1939 of 2022 on the file of the learned Metropolitan Magistrate, Fast Track Court-IV, George Town, Chennai, set aside the same and consequently, allow Crl.M.P.No.3072 of 2022 in S.T.C.No.1939 of 2022.

PRAYER in Crl.R.C.No.722 of 2023: Criminal Revision Petition filed under Sections 397 r/w. 401 of Criminal Procedure Code, to call for the records in connection with the impugned order dated 23.01.2023 passed in Crl.M.P.No.11507 of 2022 in C.C.No.732 of 2000 on the file of the learned Metropolitan Magistrate, Fast Track Court-III, Saidapet, Chennai, set aside the same and consequently, allow Crl.M.P.No.11507 of 2022 in C.C.No.732 of 2000.

For Petitioner : Mr.R.Palaniandavan
in all Crl.R.Cs.

For Respondent : Mr.K.P.Anantha Krishna
in all Crl.R.Cs. for Mr.J.Jawahar

COMMON ORDER

This Court, on 23.02.2023, had passed the following order:

“When the matter was taken up for hearing, the petitioner and the respondent as well as their respective counsel present.

2.The learned counsel for the petitioner in all criminal revision cases submitted that the cases are at the trial stage and negotiation between the petitioner and the respondent held. It is decided that twice the cheque amount would be paid by the petitioner and the issue can be given quites. As first installment, the petitioner handed over the demand drafts for a sum of Rs.46,20,016/- being the cheque amount in respect of the



complaints in C.C.No.447 of 2017 & S.T.C.No.1939 of 2022 on the file of the Metropolitan Magistrate, Fast Track Court at Magisterial Level-IV, George Town, Chennai and C.C.No.732 of 2000 on the file of the Metropolitan Magistrate, Fast Track Court No.III, Saidapet, Chennai. A memo filed to that effect.

3.For balance second payment, the learned counsel for the petitioner seeks small accommodation. Anyhow, by 2nd week of March, 2024, the petitioner shall make the balance amount and both the petitioner and the respondent agreed to give quietus to three cases in C.C.No.447 of 2017, S.T.C.No.1939 of 2022 and C.C.No.732 of 2000 and shall file confirming affidavit.

4.At request of the learned counsel for the petitioner, post the matter on 20.03.2024.”

2.In continuation and conjunction to the earlier order passed on 23.02.2024, today, an affidavit of one Hema Jothi, who is an authorised signatory of Integrated Finance Company Limited, produced before this Court. A scanned reproduction of the same reads as follows:



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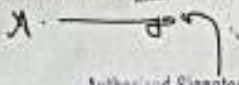
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AFFIDAVIT OF A. HEMA JOTHI

I, A. Hema Jothi, wife of Mr. R. Ramesh Babu, aged about 58 years, having office at No.12, North crescent Road, T.Nagar, Chennai - 600017, do hereby solemnly affirm and sincerely state as follows;

1. I am the Authorised Signatory of the Respondent, Integrated Finance Company Limited. I am affirming this Affidavit pursuant to the directions of this Hon'ble Court dated 23.02.2024 in Cri. R.C. Nos. 720, 721 & 722 of 2023.
2. I state that pending the present revision petitions, the Petitioner had offered to pay twice the amount of the value of cheques which are subject matter of C.C. No. 447 of 2017, S.T.C. No. 1939 of 2022 and C.C. No. 732 of 2000. Twice the amount of the cheque is the maximum compensation payable under the law to a complainant u/s 138 NI Act.
3. I state that in furtherance to the offer, the Petitioner paid a total sum of Rs. 46,20,016/- under four (4) DDs bearing nos. 005639, 005641, 005642 & 005643, all dated 30.01.2024. The receipt of this amount was acknowledged by the Respondent and also recorded in the order dated 23.02.2024.

For INTEGRATED FINANCE COMPANY LIMITED


Authorized Signatory



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4. I state that thereafter, in compliance with the directions of this Hon'ble Court, the Petitioner has paid the balance amount of Rs. 46,20,016/- under four (4) DDs bearing nos. 0056375, 005676, 005677 & 005678, all dated 11.03.2024, that were also received by the Respondent.
5. I state that this payment of money is only towards the cheque amounts of 3 cases viz., C.C. No. 447 of 2017 & S.T.C. No. 1939 of 2022 pending on the file of the Ld. FTC-IV, George Town, Chennai and C.C. No. 732 of 2000, pending on the file of the Ld. FTC-III, Saidapet, Chennai.
6. I state that this affidavit is being filed to confirm the receipt of the above demand drafts for a total sum of Rs. 92,40,032/- as mentioned above towards the cheque amounts of the 3 cases viz., C.C. No. 447 of 2017 & S.T.C. No. 1939 of 2022 pending on the file of the Ld. FTC-IV, George Town, Chennai and C.C. No. 732 of 2000, pending on the file of the Ld. FTC-III, Saidapet, Chennai.
7. The respondent submits that this amount is de hors to any other claim between the parties and their right before respective courts/forums.

It is most respectfully prayed that this Hon'ble Court may be pleased to take this Affidavit on record and pass such other/further appropriate orders as this Hon'ble Court may deem fit and proper in the circumstances of the case and thus render justice.

For INTEGRATED FINANCE COMPANY LIMITED



Authorised Signatory

Solemnly affirmed on oath and signed
her name at Chennai in my presence on
this the 20th day of March, 2024

BEFORE ME


Ms 2300/20-
no 7, Roxy To
ADVOCATE, CHENNAI Ch - 34



3.The learned counsel for the respondent acknowledged the receipt of Demand Drafts and submits that in all fairness he would have file a petition under Section 147 of the Negotiable Instruments Act (hereinafter 'N.I. Act') to compound the offence. Since the Company Petition in C.P.No.172 of 2012 is pending, the respondent /complainant is being represented by an authorised person and liquidation proceedings are pending, they are unable to file such petition but acknowledge the receipt of twice the cheque amount in all three revisions.

4.The learned counsel for petitioner filed a memo giving details and also submits that C.C.No.447 of 2017 and S.T.C.No.1939 of 2022, which are pending before the learned Metropolitan Magistrate, Fast Track Court at Magisterial Level-IV, George Town, Chennai, were compounded by the respondent by filing a petition under Section 147 of N.I. Act.

5.It is seen that the amount, which has been received by the respondent, now deposited and credited to the account of Integrated Finance Company Limited. Though the respondent confirms the receipt of amount



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and willing to compound the offence, due to the pendency of C.P.No.172 of 2012, the respondent is unable to file a petition under Section 147 of N.I. Act. The learned counsel for petitioner submitted that he paid twice the cheque amount in all three revisions. Finding that the petitioner had already paid twice the cheque amount and the offence is a compoundable offence, this Court records the discharge of liability. Since the petitioner discharged his liability nothing survives for further adjudication in this case.

6. Accordingly, these Criminal Revision Cases are allowed and the impugned orders dated 27.01.2023 in Crl.M.P.No.1580 of 2022 in C.C.No.447 of 2017, Crl.M.P.No.3072 of 2022 in S.T.C.No.1939 of 2022 and Crl.M.P.No.11507 of 2022 in C.C.No.732 of 2000, dated 23.01.2023 are hereby set aside and the petitioner is discharged from the above cases. Consequently, connected Criminal Miscellaneous petitions are closed.

20.03.2024

Index : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No
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M.NIRMAL KUMAR, J.

rsi

To

- 1.The Metropolitan Magistrate,
Fast Track Court-IV, George Town,
Chennai.
- 2.The Metropolitan Magistrate,
Fast Track Court-III, Saidapet,
Chennai.

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and
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