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Crl.O.P.No.17098 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2024

CORAM :

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.17098 of 2022

and

Crl.M.P.No's.10339 & 10336 of 2022

1. Pushpalatha

2. M/s.Hairport Aesthetics Pvt Ltd.,
Rep. by its Directors Mr.Ramesh Raja & Pushpalatha,
No.390 A, C T H Road,
Thirunindravur,
Thiruvallur District – 602 024.

... Petitioners

Vs.

R.Kothai

...Respondent

PRAYER : Criminal Original Petition is filed under Section 482 Cr.P.C.,
pleaded to call for the records in respect of S.T.C.No.888 of 2019 on the file of
the Fast Track Magistrate Level, at Poonamallee, Thiruvallur District and Quash
the same.

For Petitioners : Mr.J.Ranjith Kumar
for M/s.Surana and Surana
For Respondent : Mr.S.Arivazhagan

ORDER

This Criminal Original Petition has been filed seeking to quash the
proceedings in S.T.C.No.888 of 2019 pending on the file of the Fast Track
Magistrate Level, at Poonamallee, Thiruvallur District.



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2. The respondent/ complainant has filed S.T.C.No.888 of 2019 against the petitioners, who are the Directors of the company viz., M/s. Hairport Aesthetics Pvt Ltd. in respect of return of cheque dated 13.09.2019 for Rs.70,00,000/- (Rupees Seventy Lakhs) only.

3. Learned counsel appearing for the petitioners would fairly concede that though the quash petition has been filed on behalf of all the accused in so far as the petitioner/accused Mr.Ramesh Raja is concerned, he has ceased to be a Director of the company with effect from 12.08.2019, even prior to the issuance of the cheque (cheque dated 13.09.2019) and thereby proceedings against the petitioner Mr.Ramesh Raja is an abuse of process of law. He would further submit that the petitioners have no objection in the Trial being continued in respect of the Company and other Director, Tmt.Pushpalatha. In support of his contention, the learned counsel furnished a copy of FORM No. DIR-12.

4. Mr.S.Arivazhagan, learned counsel appearing for the respondent/ complainant would submit that, it is a matter for Trial.

5. Heard the learned counsel appearing for the petitioners and the learned counsel appearing for the respondent and perused the materials available on record.



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6. As per FORM No. DIR-12, the accused, Mr.Ramesh Raja, has resigned from the company with effect from 12.08.2019, one month prior to the issuance of the cheque dated 13.09.2019. Further, it is also seen that, no notice has been served on him.

7. In view of the above, the proceedings in S.T.C.No.888 of 2019 on the file of Fast Track Magistrate Level at Poonamallee in respect of Director, Mr.Ramesh Raja alone stands quashed. In respect of other petitioners, the Trial shall continue.

8. The Fast Track Magistrate Level, at Poonamallee, is directed to complete the proceedings in S.T.C.No.888 of 2019 within a period of three months from the date of receipt of a copy of this order.

Accordingly, the Criminal Original Petition is partly allowed. Consequently, the connected miscellaneous petitions are closed.

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Index :Yes/No
Internet:Yes/No
dsn



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A.D.JAGADISH CHANDIRA.,J

dsn

To

1. The Fast Track Magistrate Level,
Poonamallee, Thiruvallur District.
2. The Public Prosecutor,
High Court of Madras.

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and Crl.M.P.No's.10339 & 10336 of 2022

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