



Crl.O.P.No.23252 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.02.2024

CORAM :

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

Crl.O.P.No.23252 of 2022

and

Crl.M.P.No.14850 of 2022

Sri Priya

... Petitioners

Versus

The Tamil Nadu Industrial investment Corporation Limited,
(a Govt. of Tamil Nadu undertaking)
Chennai Branch,(Ground Floor)
No.692, Anna Salai, Nandanam,
Chennai-600 035.
Rep. by its Loan Administrative Officer
Mr.S.Suriyamurthy

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, praying to call for the records relating to S.T.C.No.666 of 2021, pending on the file of the XI Small Causes Court, Chennai and quash the same.

For Petitioner : Mr.V.Purushothaman Reddy

For Respondent : Mr.V.Devendhiran



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ORDER

This petition has been filed to quash the proceedings in S.T.C.No.666 of 2021, pending on the file of the XI Small Causes Court, Chennai as against the petitioner, for the offences under Section 138 read with Section 141 of Negotiable Instrument Act, 1881.

2. The case of the prosecution is that the respondent is Tamil Nadu Industrial Corporation engaged in the business of lending financial services to the industrial sector in the state of Tamil nadu for the development of industries in the state of Tamil Nadu. In which one Vanjinathan /A2 Managing Director of M/s.Sri venkatachalapathy Electricals Pvt. Ltd /A1 and A4 / C.Jeyaraj, Director have approached the respondent corporation for getting financial assistance to the A1 under Bill discounting scheme. On application by A1, the respondent corporation sanctioned loan under bill finance Scheme for a total sum of Rs.13 Crores on 03.03.2016 on agreed terms and conditions. At the time of sanctioning of the said loan, the disputed cheque bearing No.070515, dated 05.01.2018 was issued as blank cheque for security purpose along with other cheques and the signed blank document in a printed format. Lateron, the respondent corporation filled up the alleged amount of Rs.9,26,29,000/- and presented the cheque for encashment which was dishonoured for the same a case has been initiated vide C.C.No.2028 of



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2018 under Section 138 r/w 101 Negotiable Instruments Act, 1881 before the learned Metropolitan Magistrate, III Fast Track Court, Saidapet, Chennai.

Later it was transferred to the learned XI Small Causes Court, Chennai.

3. The learned counsel for the petitioner submitted that there are totally three directors in A1 /M/s.Sri venkatachalapathy Electricals Pvt. Ltd. The petitioner /A3 being one among the directors in A1 and she has been arrayed as third accused in STC.No.666 of 2022, pending before the learned Judge,XI Small Causes Court, Chennai. He further submitted the she is no way connected with the alleged loan transaction against her and there is no existence of legal recoverable debt as against her and also there is no illegal liability. Therefore he prayed to quash the proceedings initiated against her.

4. On a perusal of the records, it reveals that the defacto complainant issued notice before initiated the proceedings on 09.01.2018, though it was received, but there was no reply on the side of the accused person. If at all, the petitioner has no role in the company or in the transaction, liberty is granted to the petitioner to put forth all their defences before the trial Court in accordance with the law. Therefore, I do not find any ingredient to quash the



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T.V.THAMILSELVI, J.

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proceedings at this stage in S.T.C.No.666 of 2021, pending on the file of the XI Small Causes Court, Chennai.

5. Accordingly, this Criminal Original Petition is dismissed. Consequently, the connected miscellaneous petition is closed.

20.02.2024

Index : Yes/No
Speaking/Non Speaking order
Neutral Citation:Yes/No

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To

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