



WEB COPY



CrI.O.P.No.24933 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.11.2024

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

CrI.O.P.No.24933 of 2024

and

CrI.M.P.Nos.14005 & 14006 of 2024

Sri Sanjay Rao Pullur
Managing Partner,
M/s.Elegant Impex

... Petitioner

Vs.

... Respondent

M/s.Rockwork Systems Furniture (India)
Private Limited,
Represented by its General Manager
Mr.Mohan Babu Challa.

PRAYER: Criminal Original Petition filed under Section 528 of B.N.S.S./Section 482 Cr.P.C., to call for the records and quash the proceedings in S.T.C.No.5603 of 2023 on the file of the learned Metropolitan Magistrate, Fast Track Court-I, Allikulam, Chennai against the petitioner.

For Petitioner : Mr.B.A.Sujay Prasanna

For Respondent : No appearance



WEB COPY



Crl.O.P.No.24933 of 2024

ORDER

This Criminal Original Petition has been filed to call for the records and quash the proceedings in S.T.C.No.5603 of 2023 on the file of the learned Metropolitan Magistrate, Fast Track Court-I, Allikulam, Chennai against the petitioner.

2. Heard the learned counsel appearing on behalf the petitioner and perused the materials available on record. Today, when the matter is taken up for hearing, there is no representation for the respondent.

3. The respondent involved in selling modular furniture. Based on the purchase order dated 28.12.2022, the respondent supplied furniture to the petitioner, which is a registered partnership firm. The respondent found that the petitioner is liable to pay sum of Rs.33,87,366/- regarding the above transaction. On demand, the authorised signatory of the petitioner partnership firm issued cheque and when the same was



CrI.O.P.No.24933 of 2024

WEB COPY

presented for collection, the cheque was dishonored and returned with an endorsement “payment stopped by the drawer”. Hence the respondent filed a complaint under Section 138 of the Negotiable Instruments Act on the file of the Metropolitan Magistrate, Fast Track Court No.I Court, Allikulam, Chennai in S.T.C.No.5603 of 2023. According to the petitioner, he was not a partner during the said transaction. Though the cheque was issued by the authorised signatory of the partnership firm, the respondent/complainant has not filed any complaint as against the partnership firm. The petitioner retired from the partnership firm on 14.04.2022 itself, and the reconstitution of partnership firm has been duly intimated to the Registrar of Firms on 15.09.2022, whereas the date of purchase order is on 28.12.2022 and the issuance of cheque on 11.03.2023. Either on the date of transaction or on the date of issuance of cheque or at the stage of issuance of statutory notice issued by the defacto complainant, the petitioner was not a partner in the partnership firm. Hence, the petition is liable to be quashed on the ground that on the date of issuance of disputed transaction and issuance of disputed cheque, the petitioner was not a partner in the partnership firm. No



CrI.O.P.No.24933 of 2024

vicarious liability can be fasten as against the petitioner.

WEB COPY

4. In view of the same, the criminal original petition is allowed.

The complaint in S.T.C.No.5603 of 2023 on the file of the learned Metropolitan Magistrate, Fast Track Court-I, Allikulam, Chennai against the petitioner alone is quashed. Consequently, connected miscellaneous petitions are closed.

11.11.2024

mfa

Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No



WEB COPY



Crl.O.P.No.24933 of 2024

P.VELMURUGAN, J.

mfa

Crl.O.P.No.24933 of 2024
and
Crl.M.P.Nos.14005 & 14006 of 2024

11.11.2024