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Crl.O.P.No.28123 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.11.2024

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.O.P.No. 28123 of 2024
and
Crl.M.P.Nos.15617 and 15618 of 2024

1. TRYWIN AGRO TECH PRIVATE LIMITED

Sree Sasta group of Companies

Rep.by its Directors

No.6, Thiruvika Road, Peter's Colony

Mylapore, Chennai – 600 004.

2. TRYWIN AGRO TECH PRIVATE LIMITED

Rep.by its Directors

No.57, Pmg Complex, 3rd Floor

South Usman Road, T.Nagar,

Chennai – 600 017.

3. V.Chandramohan

4. Muthuraman Muthukuberan

... Petitioners

Vs.

C.Kannan

... Respondent

Prayer: Criminal Original Petition is filed under Section 528 BNSS Act, 2023, to call for the records in C.C.No.34 of 2024 pending on the file of the Judicial Magistrate, Fast Track Court, Alandur and to quash the same in respect of the petitioners herein.



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For Petitioners : Mr.K.M.Balaji

ORDER

This Criminal Original Petition is filed to quash the proceeding in C.C.No.34 of 2024 pending on the file of the Judicial Magistrate, Fast Track Court, Alandur.

2. Learned counsel for the petitioners submitted that the respondent/complainant sent statutory notice under Section 138 of the Negotiable Instruments Act, 1881 for which, the first petitioner Company sent a suitable reply. During that time, the complainant was working under the first petitioner Company, therefore, the allegation of the complainant that petitioners approached the respondent/complainant and sought time for repayment of alleged amount is highly unbelievable, which is nothing but a abuse of process of law. He further submitted that the respondent/complainant with malafide intention to file complaint against the petitioners took away the unfilled cheques from the first petitioner Company during his employment and filed the complaint. Therefore, the complaint has to be quashed.



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WEB COPY 3. Heard the learned counsel on either side and perused the materials available on record.

4. It is seen from the records that the petitioners themselves have admitted that the cheques were stolen and so far they have not preferred any complaint about the said occurrence, therefore all the defence taken by the petitioners is a matter of trial and it cannot be decided by invoking Section 528 of BNSS Act. Hence, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petitions are closed. However, the petitioners are at liberty to work out their remedy before the trial Court.

12.11.2024

Index: Yes/No
Speaking Order : Yes/No
Neutral Citation Case : Yes/No

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To

1. The Judicial Magistrate,
Fast Track Court,
Alandur.
2. The Public Prosecutor,
High Court, Madras.



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P.VELMURUGAN, J

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