



WEB COPY



Crl.O.P.No.27712 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 09.12.2024

Coram:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.O.P.No.27712 of 2024

and

Crl.M.P.No.15374 of 2024

--

Mr.Santhosh

.. Petitioner

Vs.

1. M/s.Green Malabar Finance Ventures Ltd.,
Represented by its
Director Mr.Suresh Gurumani,
No.20C/2A, Sarangapani Street,
T.Nagar, Chennai-600 017.
duly Rep. by its Authorized
Signatory Mr.K.R.Vijay

2. M/s.JMRC Fuel Service,
Rep. by its Proprietor Mr.U.V.Baby Koulsalya,
No.299/3B, Veerasingamani Village,
Sankarankovil Taluk,
Tenkasi, Tirunelveli-627 862.

3. Mrs.U.V.Baby Kousalya

.. Respondents

Criminal Original Petition filed under Section 528 of BNSS Act to call for the entire records pending on the file of Fast Track Court-II, Metropolitan Magistrate, Egmore, at Allikulam in S.T.C.No.1708 of 2022 and quash the proceedings in S.T.C.No.1708 of 2022 on the file of the Fast Track Court-II, Metropolitan Magistrate, Egmore, at Allikulam, Chennai, insofar as the petitioner/Accused No.3 herein.

For petitioner : Mr.V.Yurendrakumar

For respondents : Mr.M.Chinnathambi for R-1

Page No.1/5



Crl.O.P.No.27712 of 2024

Not ready in notice for RR-2 & 3

WEB COPY

ORDER

The present petition is filed to call for the entire records pending on the file of Fast Track Court-II, Metropolitan Magistrate, Egmore, at Allikulam in S.T.C.No.1708 of 2022 and quash the proceedings in S.T.C.No.1708 of 2022 on the file of the Fast Track Court-II, Metropolitan Magistrate, Egmore, at Allikulam, Chennai, insofar as the petitioner/Accused No.3.

2. The petitioner has been arrayed as A.3. The first respondent has filed a complaint against the petitioner for the offence under Section 138 of the Negotiable Instruments Act, on the file of the Fast Track Court No.II, Metropolitan Magistrate, Egmore, at Allikulam, Chennai in S.T.C.No.1708 of 2022.

3. It is seen from the records that the cheque was issued only by the Proprietor of the second respondent/concern, i.e. the third respondent herein. The petitioner/A3 is none other than the son of the third respondent herein.

4. Admittedly, the cheque was signed only by the third respondent herein, in the name of the second respondent-concern. Even there is no specific averment about the involvement of the petitioner/A3. There is no vicarious liability in respect of the offence under Section 138 of the Negotiable Instruments Act and the relatives or the drawer of the cheque, is/are personally

Page No.2/5



Crl.O.P.No.27712 of 2024

liable for issuance of the cheque for the family members. Therefore, the Court below failed to consider the fact that the petitioner is no way connected or involved in the transaction between the second and third respondents herein.

5. The cheque was also signed by the third respondent herein, i.e. in the name of the second respondent-concern, and therefore, the petitioner, who had been arrayed as A-3, is not liable for the same. Therefore, the case filed in S.T.C.No.1708 of 2022 is hereby quashed against the petitioner/A3 alone.

6. The Court below is directed to proceed with the case further as against the other accused persons. The Court below is directed to expedite the complaint filed in S.T.C.No.1708 of 2022 and complete the trial and dispose of the said S.T.C.No.1708 of 2022 on merits and in accordance with law, within three months from today, after giving an opportunity of hearing to both parties and both parties are directed to extend their fullest co-operation for disposal of the said S.T.C.No.1708 of 2022 itself within the above stipulated time.

7. With the above observations/directions, this petition is disposed of. Consequently, Crl.M.P.No.15374 of 2024 is closed.

09.12.2024

CS

Office to note: Issue order copy on or before 11.12.2024

Page No.3/5



WEB COPY



Crl.O.P.No.27712 of 2024

To

1. Metropolitan Magistrate, Fast Track Court No.II, Egmore @ Allikulam, Chennai.
2. The Public Prosecutor, High Court, Madras.

Page No.4/5



WEB COPY



Crl.O.P.No.27712 of 2024

P.VELMURUGAN, J

CS

Crl.O.P.No.27712 of 2024

09.12.2024

Page No.5/5