



CRL MP(MD) No.13478 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Thursday, the Twelfth day of December Two Thousand and Twenty Four

PRESENT

The HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

CRL MP(MD) No.13478 of 2024

in

CRL OP(MD) No.21745 of 2024

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2 Y.SHIVARAM PRASAD

3 D.MUTHUSAMY

4 V.S.PATTABIRAMAN

... Petitioners / Accused

Vs

QUANTUM COAL ENERGY PVT LTD,
REP BY ITS CHIEF ACCOUNTING OFFICER,
SHIVARAMKUMAR,
5/44, KALAINAGAR,
3RD MAIN ROAD,
MADURAI 17.

... Respondent / Complainant



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Criminal Miscellaneous Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to grant an order of Interim Stay, staying all further proceedings in CC No.841/2019 on the Judicial Magistrate No.I, Madurai pending disposal of the Quash petition.

Prayer in CRL OP(MD). 21745/ 2024 :

To call for the records relating to CC No.841/2019, on the file of the Learned Judicial Magistrate No.I, Madurai and Quash the same as against the petitioner.

Order : This criminal miscellaneous petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.SATHISH KUMAR.P, Advocate for the petitioners, while admitting the criminal original petition, the Court made the following order:-

The petitioners/accused, who are facing trial in C.C.No.841 of 2019, for the offences under Sections 406, 420, 468, 471 and 120B of the I.P.C., have filed the quash application, seeking to quash the proceedings.

2. The learned counsel for the petitioners submitted that the petitioners and the respondent were engaged in business dealings. The respondent supplied coal for the petitioners' business, which the petitioners used to support their production activities. Subsequently, an accumulated liability arose between the petitioners and the respondent. The petitioners issued 12 cheques totalling Rs.1,27,60,000/-, out of which, the petitioners honoured seven cheques, but five cheques could not be honoured because the petitioners' Company became sick, and the Board for Industrial and Financial Reconstruction (BIFR) took over the management of the



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petitioners' business. A scheme was developed, and restrictions were imposed on the petitioners' bank not to honour the cheques. Hence, the cheques could not be honoured, but the petitioners contend that no misappropriation or cheating occurred. The failure to honour the cheques was solely due to statutory instructions, and the issue is a commercial dispute that has been given a criminal colour.

3. Finding force in the above submissions, this Court is inclined to grant an order of interim stay of all further proceedings in C.C.No.841 of 2019, pending before the Judicial Magistrate Court No.I, Madurai. Accordingly, an order of interim stay is granted.

4. Notice to the respondent returnable by 03.02.2025. Private notice is also permitted.

sd/-
12/12/2024

/ TRUE COPY /

/12/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SMN2

To

1.The Judicial Magistrate No.I,
Madurai.



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2.Do through the Chief Judicial Magistrate,
Madurai District.

+1 CC to M/s.P.SATHISHKUMAR, Advocate (SR-15487[I] dated 16/12/2024)

ORDER
IN
CRL MP(MD) No.13478 of 2024
in
CRL OP(MD) No.21745 of 2024
Date :12/12/2024

ED/ VR /SAR- (19/12/2024) 4P / 4C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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