



Crl.O.P.No.3599 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.08.2025

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

Crl.O.P.No.3599 of 2025

and

Crl.M.P.Nos.2361 & 2363 of 2025

G.Chitra Devi

... Petitioner

Vs.

M/s.HH Ventures Private Limited,
Represented by its Manager/P.A.Holder,
S.Shanmuganathan
Having its registered office at No.284,
Ramabiran Colony, Dharapuram Road,
Tirupur – 641 608.

... Respondents

Prayer : Criminal Original Petition filed under Section 528 of Bharatiya
Nagarik Suraksha Sanhita, 2023 to call for the records of the case pending
on the file of the learned Judicial Magistrate, Fast Track Court, Tiruppur, in
S.T.C.No.1420 of 2024 and quash the same.

For Petitioner : Mr.M.Dinesh

For Respondent : Mr.R.Mubarak Basha
for Mr.S.Bhagavan



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ORDER

This Criminal Original Petition has been filed to quash the private complaint in S.T.C.No.1420 of 2024 on the file of the learned Judicial Magistrate, Fast Track Court, Tiruppur.

2.It is the case of the complainant that the husband of the accused was working in the complainant's company as Marketing Agent. It is the allegation of the complainant that the husband of the accused collected the amount receivable from the complainant's suppliers and did not return the collected money to the company. In order to clear the debts, the petitioner/accused has issued seven cheques, all dated 19.03.2024 for a total sum of Rs.84 Lakhs, which when presented, were dishonoured on the ground that “payment stopped by the drawer”. Hence, after complying with the mandatory procedure, the complainant has filed the present private complaint against the accused for the offence under Section 138 of the Negotiable Instruments Act. The said complaint was taken on file in S.T.C.No.1420 of 2024 by the learned Judicial Magistrate, Fast Track Court, Tiruppur. The same is sought to be quashed in this Criminal Original Petition.



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3.It is the contention of the petitioner/accused that a false complaint has been foisted as against the petitioner on the premise of an undertaking affidavit dated 24.11.2023 allegedly executed by the husband of the petitioner as if they had obtained an amount of Rs.89 Lakhs which was due to the complainant company and that the petitioner and her husband had utilised the same for their family emergency expenses without depositing it in the company's bank account. He would further submit that the subject cheques were obtained under coercion and life threat from the petitioner and her husband.

4.It is the further contention of the petitioner that her husband has filed a civil suit in O.S.No.44 of 2024 on the file of the I Additional District Munsif Court, Madurai and the complainant has filed a suit in O.S.No.101 of 2024 on the file of the III Additional District Munsif Court, Madurai and both the suits are pending, wherein, the undertaking affidavit dated 24.11.2023 is the subject matter. Therefore, it is her contention that, when the very undertaking itself is put in question in the civil suits, a criminal complaint is not maintainable.



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5.At the outset, this Court is of the view that such a contention cannot be countenanced. Mere pendency of a civil suit is not a bar for filing a criminal case. Further, factual disputes are raised in this matter as to the legally enforceable debt and it requires appreciation of evidence and the same have to be gone into during trial and this Court, in exercise of its jurisdiction under Section 482 Cr.P.C./Section 528 BNSS cannot conduct a roving enquiry. It is open to the petitioner to put forth all her defence before the learned Magistrate during the process of trial. However, this Court is not inclined to interfere with the proceedings at this stage.

6.Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petitions are closed.

7.At this juncture, the learned counsel appearing for the petitioner seeks indulgence of this Court to grant an order dispensing with the personal appearance of the petitioner. Accordingly, the personal appearance of the petitioner before the trial Court is dispensed with, except for receipt of copies, answering the charges, questioning under Section 313 Cr.P.C.,



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passing of judgment, or on any other date as may be required by the trial

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Court.

18.08.2025

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Internet : Yes

Index : Yes / No

Speaking order : Yes / No

Neutral Citation : Yes / No

To

The Judicial Magistrate,
Fast Track Court, Tiruppur.

N. SATHISH KUMAR, J.



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