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Crl.O.P.No.4840 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.4840 of 2025

and

Crl.M.P.No.3138 of 2025

1. Veda Properties

Represented by,
Its Authorised Signatory,
Mr.H.R.Sivakumar
Nos.7 & R, Geethanjalai Plaza,
Above Canara Bank,
Veerapandi Pirivu,
Coimbatore – 641 047.

2. Mr.H.R.Sivakumar

... Petitioners

Vs.

A.Sridaran

... Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records pertaining to the complaint in S.T.C.No.564 of 2023 on the file of the learned Judicial Magistrate, Udhagamandalam and quash the said complainant.

For Petitioners : Mr. J.Franklin

ORDER



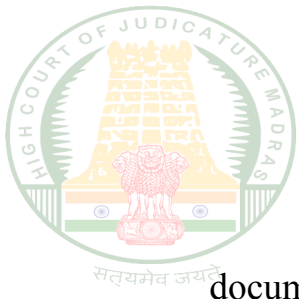
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This Criminal Original Petition has been filed to quash the case in S.T.C. No. 564 of 2023 on the file of the learned Judicial Magistrate, Udhagamandalam.

2. The petitioners are accused in the complaint lodged by the respondent for the offence punishable under Sections 190 and 200 of Cr.P.C. read with Section 138 of the Negotiable Instruments Act in S.T.C. No. 564 of 2023 on the file of the Learned Judicial Magistrate, Udhagamandalam. The respondent filed a complaint alleging that the second accused is an authorized signatory of the first accused. They approached the respondent to make investments in their concern. Believing the said words, the respondent herein had invested a sum of Rs. 27,50,000/- on various dates from 01.07.2020 to 23.10.2020. In order to return the same, the petitioner had issued a cheque for the said sum. The cheque was presented for collection, but it was returned dishonoured on the ground that “funds insufficient”. After causing notice as contemplated under Section 138 of the Negotiable Instruments Act.

3. The learned counsel for the petitioners submitted that as per



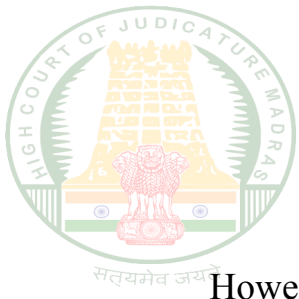
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document No. 1, which is annexed to the complaint, it states that the respondent had paid only a sum of Rs.12,50,000/- and another sum of Rs.4,00,000/-. However, the respondent presented a cheque for a sum of Rs. 27,50,000/-.

4. On a perusal of the records, it reveals that the legal notice was returned as unopened. Therefore, the petitioners managed to return the notice issued under Section 138 of the Negotiable Instruments Act. Therefore, the petitioners failed to file any reply. Now, the petitioners come forward with this petition to quash the entire proceedings on the ground that the cheque was issued for a sum of Rs.27,50,000/-. Since the respondent has paid only a sum of Rs.12,50,000/- and another sum of Rs.4,00,000/-. It is a mixed question of facts and it cannot be considered in the quash petition. The petitioners ought to have established this defence before the Trial Court by way of cross-examination. Therefore, this Court is not inclined to quash the proceedings in S.T.C. No. 564 of 2023.

5. In the result, this Criminal Original Petition is dismissed.



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However, the Trial Court is directed to complete the trial within a period of six months from the date of receipt of a copy of this order.

Consequently, the connected Miscellaneous Petition is closed.

21.02.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order

kv

To

1. The Judicial Magistrate,
Udhagamandalam.
2. The Public Prosecutor,
High Court of Madras,
Chennai.



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G.K.ILANTHIRAIYAN, J.

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