



Crl.O.P.No.8979 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.03.2025

CORAM:

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

Crl.O.P.No. 8979 of 2025
and Crl.M.P.No.5957 of 2025

Sathish Jha

..... Petitioner

Vs

1. M/s.Auro Power System,
Represented by its Partner Suresh Srinivasan,
Registered Office at Auro House Plot No.2,
Balaji Apartments, New No.9/4,
Maancholai 1st Street Ekkattuthangal,
Chennai-600 032.

2. Grennergy Project Private Limited,
Rep by its Managing Director Ashok Kumar,
SF No.352/4a1, Nellikupam,
Road Mathura Moolkalni,
Kayarambedu,
Kanchipuram,
Chengalpattu-603 202.

3. Ashok Kumar
Managing Director,
Grenergy Project Private Limited,
SF No 352/4A1, Nellikupam,
Road Mathura Moolkalni,
Kayarambedu, Kanchipuram,
Chengalpattu-603 202.



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4. Pankaj Kumar Choudhary
Director,
Grenergy Project Private Limited,
SF No. 352/4A1 Nellikupam,
Road Mathura Moolkalni,
Kayarambedu, Kanchipuram,
Chengalpattu- 603 202.

.... Respondents

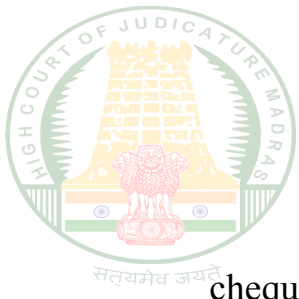
PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records and quash the proceedings against the petitioner/accused No.2 in STC/PC/No.9941 of 2024 on the file of the Learned Chief Metropolitan Magistrate, Fast Track Court at Magisterial Level-II, Egmore, Allikulam, Chennai.

For Petitioner : Mr.H.Arun Jaganathan

ORDER

This Criminal Original Petition has been filed seeking to quash the entire proceedings in STC No.9941 of 2024 pending on the file of the Chief Metropolitan Magistrate, Fast Track Court at Magisterial Level-II, Egmore, Allikulam, Chennai.

2. The first respondent is the complainant, who lodged a private complaint for the offence punishable under Section 138 of Negotiable Instruments Act. It is alleged that the accused issued a



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cheque for a sum of Rs.95,00,000/- towards the return of Earnest Money Deposit. When the cheque was presented for collection, it was returned dishonoured with the endorsement “Funds Insufficient”. After issuing the statutory notice, the first respondent filed a complaint and the same has been taken cognizance in STC No.9941 of 2024, which is pending. There are totally four accused in the case, in which the petitioner is arrayed as A2.

3. The learned counsel appearing for the petitioner would submit that the petitioner is arrayed as A2 in the complaint. He was a Director of the first accused Company ; however, he tendered his resignation on 31.01.2024. Though the petitioner submitted his resignation letter to the first accused Company, the first accused failed to inform the same to the Registrar of the Company and it has not been officially recorded to date. Therefore, the dispute between the petitioner and the first accused in respect of his directorship.



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4. Further, it is also revealed that the first respondent is a vendor in Solar Power Generation and Allied Products in India. While being so, the first accused was engaged in the project for execution of a 500 MW Solar Power Project under Mukhyamantri Sour Krusi Vahini Yojna in the State of Maharashtra. BNSPL is a Joint Venture of Braithwaite Co.Ltd (BCL), the National Federation of Farmers Procurement, Processing and Retailing Cooperatives Ltd (NACOF) and M/s.Carlton Industries Engineers. On 28.02.2023 BNSPL entered into an Investment agreement with M/s.Pinewood Systems Pvt. Ltd wherein M/s.Pinewood System Pvt. Ltd took over 49% of the equity of BNSPL. Pursuant to this arrangement, the first respondent appointed the first accused as the Project Management Company for the said project. Subsequently, on 17.02.2024, BNSPL awarded the work for execution of a 50 MW Solar Power Project out of a total 500 MW of Solar Power Project to the first respondent. The said work has to be executed in four districts of Maharashtra and the same has to be completed by 15.08.2024.

5. Pursuant to the said contract, the first respondent was



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directed to furnish an Earnest Money Deposit for the said project to the tune of Rs.1,50,00,000/- to the first accused. Thereafter, the said contract was cancelled by BNSPL without any reasons. Therefore, the first respondent asked the first accused to return the Earnest Money Deposit. After cancellation of the project, the first accused issued two cheques for a sum of Rs.1,50,00,000/- and Rs.95,00,000/-. However, both the cheques were presented for collection and the same were returned with the endorsement “Funds Insufficient”.

6. That apart, there are specific allegations as against all the accused persons in the complaint. Therefore, the grounds raised by the petitioner cannot be considered to quash the entire complaint, since there is specific averments as against the petitioner. Though the petitioner claims to have resigned from the Company prior to the issuance of the cheques, such resignation was not acted upon or recorded with the Registrar of Companies. Therefore, the petitioner is also liable to be prosecuted for the offence punishable under Sections 138 and 141 of Negotiable Instruments Act.



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7. In view of the above, this Court is not inclined to quash the entire proceedings in STC No.9941 of 2024 on the file of the Chief Metropolitan Magistrate, Fast Track Court at Magisterial Level-II, Egmore, Allikulam, Chennai. Accordingly, this Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petition is closed.

27.03.2025

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

To

The Chief Metropolitan Magistrate,
Fast Track Court at Magisterial Level-II,
Egmore, Allikulam, Chennai.

G.K.ILANTHIRAIYAN, J.



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