



Crl.O.P.No.7524 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.03.2025

CORAM:

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

Crl.O.P.No.7524 of 2025
and Crl.M.P.No.4831 of 2025

M/s.Vasan Healthcare Pvt Ltd.,
Rep By Mr.Vimal Chadrasedkaran

... Petitioner

Vs

M/s.Trivitrn Health Care P Ltd.,
(Trivitrn Dignostics P Ltd.,
No.15, IVth Street,
Abiramapuram,
Chennai-600 018.
Rep By Its Manager-Adiministration
Mr.Rajagopal.

... Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C/Section 528 of BNSS, 2023, to call for the records and quash the proceedings in CC No.5233 of 2017 on the file of the Hon'ble Learned Metropolitan Magistrate (FTC-V), at Saidapet, Chennai.

For Petitioner : Mr.G.Gautham Ram Vittal

ORDER

This petition has been filed to quash the proceedings in CC No.5233 of 2017 on the file of the Learned Metropolitan Magistrate (FTC-V), at Saidapet, Chennai.

2. Heard the learned counsel for the petitioner and perused the



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materials placed on record.

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3. The petitioner is an accused in the complaint lodged by respondent for the offence punishable under Section 138 read with Section 141 of Negotiable Instruments Act. The respondent is engaged in the business of importing medical equipments, diagnostics machineries and other allied products, spares and accessories from various countries and sell the same throughout the country. While being so, the petitioner is one of the regular customers of the respondent and approached for purchase of exchange kit, lasser head V4 x to V5.2 from the respondent under an invoice dated 26.09.2014 to the tune of Rs.42,10,089.00/-. The respondent had supplied the goods. However, so far, the petitioner failed to pay the amount even after repeated request made by the respondent. While being so, in order to discharge the said liability, the petitioner had issued cheque for a sum of Rs.2,50,000/- and the same was presented for encashment. However, it was returned for the reason “Funds Insufficient”. After causing statutory notice, the respondent filed a complaint.

4. The only ground raised by the petitioner is that now the Resolution Professional Plan has been approved, since the petitioner Company is under liquidation and the Director of the petitioner Company is ceased to be the



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Director of the Company as per the order passed by the NCLT, Chennai.

Therefore, the petitioner is not liable to be punished and seeks for quashment of the complaint.

5. Admittedly, the resolution plan was approved only in the year 2023. The complaint is of the year 2017. Therefore, this Court finds no grounds to quash the complaint in CC No.5233 of 2017 on the file of the Hon'ble Learned Metropolitan Magistrate (FTC-V), at Saidapet, Chennai. The Trial Court is directed to complete the trial in C.C.No.5233 of 2017, within a period of three months from the date of receipt of a copy of this order.

6. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous petition is closed.

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Internet: Yes
Index: Yes/No
Speaking/Non speaking order
mn



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G.K.ILANTHIRAIYAN. J.

mn

To

1. The Metropolitan Magistrate (FTC-V),
at Saidapet, Chennai.
2. The Public Prosecutor,
High Court, Madras.

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