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Crl.O.P.No.11047 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.04.2025

CORAM:

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

Crl.O.P.No.11047 of 2025

and

Crl.M.P.Nos.7293 and 7297 of 2025

Nadaraja Deepika

... Petitioner

Vs.

M/s.Vishnu Enterprises

Represented by its power of Attorney Mr.Vijay Goel

Having office at Old No.136, New No.76, 1st Floor

Kodambakkam High Road

Nungambakkam

Chennai - 600034.

... Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, praying to call for the records in STC.No.2618/2023 on the file of the IV Metropolitan Magistrate, George Town, Chennai and quash the same as against the petitioner by allowing this the above Criminal Original Petition.

For Petitioner : Mr.A.V.Arun



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ORDER

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2. Heard the learned counsel for the petitioner and perused the materials available on record.

3. The respondent is the complainant and filed a complaint against the accused in S.T.C.No.2618 of 2023 for the offences under Sections 138 and 141 of the Negotiable Instruments Act (hereinafter referred to as 'the Act' for short), alleging that the complainant had supplied TMT Bars worth Rs.79,81,460/- to the petitioner/accused company. Towards repayment, the petitioner issued a cheque, and the same was presented for collection. However, it was returned with an endorsement "SIGNATURE MISMATCH". After causing statutory notice, the respondent filed a



complaint.

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4. The learned counsel for the petitioner would submit that the petitioner is arrayed as A1, and he is the Director of the first accused's Company. There is no legally enforceable debt, and the cheque was issued for security purpose, and it was not issued for any legally enforceable debt. This Court feels that these grounds can be considered only before the Trial Court during the trial.

5. That apart, on a perusal of the complaint, it is revealed that there are specific averments against all the accused persons for the offences under Sections 138 and 141 of the Act. In fact, after receipt of the statutory notice, the accused failed to send any reply notice within fifteen days time from the date of receipt of that notice.

6. In view of the above, this Court finds no grounds to quash the entire proceedings in S.T.C.No.2618 of 2023 on the file of the IV Metropolitan Magistrate Court, George Town, Chennai. Accordingly, this



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Criminal Original Petition is dismissed. The personal appearance of the petitioner is dispensed with and he shall be represented by a counsel after filing appropriate application. 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, connected miscellaneous petitions are also closed.

15.04.2025

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

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To

1. The IV Metropolitan Magistrate, George Town,
Chennai.
2. The Public Prosecutor,
Madras High Court,
Chennai.



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G.K.ILANTHIRAIYAN. J,

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