

Crl.O.P.No.14258 of 2025

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.06.2025

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

Crl.O.P.No.14258 of 2025

and

Crl.M.P.No.9834 of 2025

1. M/s.Maham Enterprises,
Represented by its Proprietor
Madhuvanthi Arun,
No.101/1, Kanagasri Nagar,
Gopalapuram,
Chennai – 86.

2. Madhuvanthi Arun

... Petitioners

Vs

1. S.S.Senthil

2. Power of Attorney Agent
Representing M.Ravishankar
S/o C.Murugesan,
Proprietor of M/s.AKR Events INC,
No.13/16, 8th Street, Subbaraya Nagar,
Kodambakkam,
Chennai – 24.

... Respondents



Crl.O.P.No.14258 of 2025

PRAYER: Criminal Original Petition filed under Section 528 of BNSS 2023, to call for the records pertaining to the complaint in S.T.C.No.3424 of 2023 on the file of the learned XXVII Metropolitan Magistrate, Saidapet, Chennai and quash the same.

For Petitioner : Mr.M.Murali

ORDER

This Criminal Original Petition has been filed seeking to call for the records pertaining to the complaint in S.T.C.No.3424 of 2023 on the file of the learned 27th Metropolitan Magistrate, Saidapet, Chennai and to quash the same.

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

3. The learned counsel appearing for the petitioners submitted that cheque has been issued only for security purpose and not to discharge the legally enforceable debt. Further, he submitted that the petitioners have repaid the entire amount. Even without serving notice, the respondents have filed a false case as against the petitioners. Hence he



CrI.O.P.No.14258 of 2025

prayed for quashing the complaint.

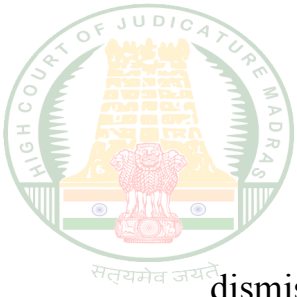
WEB COPY

4. The second petitioner admitted the signature and issuance of the cheque and further agreed that the cheque has been issued only for security purpose. However, the second petitioner has raised two grounds. The first ground is that she has repaid the entire amount. The second ground is that the statutory notice was not duly served on her.

5. Once the issuance of the cheque and the signature are admitted and the purpose of issuance of cheque are admitted, the grounds taken by the second petitioner are only a matter of defence, which can be agitated only during trial.

6. This Court is not satisfied with the grounds raised by the petitioners to quash the complaint and hence, this Court is not inclined to quash the complaint. However, the second petitioner is at liberty to take all her defences before the trial court during trial.

7. In view of the same, this Criminal Original Petition is



CrI.O.P.No.14258 of 2025

WEB COPY

dismissed. The personal appearance of the second petitioner is dispensed with before the Trial Court. However, the second petitioner has to appear before the Trial Court as and when her presence is required. Consequently, connected miscellaneous petition is also dismissed.

03.06.2025

mfa

Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No

To

The XXVII Metropolitan Magistrate, Saidapet, Chennai



WEB COPY



Crl.O.P.No.14258 of 2025

P.VELMURUGAN, J.

mfa

**Crl.O.P.No.14258 of 2025
and
Crl.M.P.No.9834 of 2025**

03.06.2025