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Crl.O.P.No.21066 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.07.2025

CORAM :

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

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1. Manish Pravinbhai Nayak
Proprietor M/s.Anjaneya Corporation,
D101, Swagat Status, Chandkheda,
Near Swagat Mahal, Behind Chanakya Plaza,
Ahmedabad 382424.
2. M/s.Anjaneya Corporation,
Represented by its Proprietor
Manish Pravinbhai Nayak
D101, Swagat Status, Chandkheda,
Near Swagat Mahal, Behind Chanakya Plaza,
Ahmedabad 382424.

...Petitioners

Vs.

M/s.Eltech Appliances Private Limited,
Represented by its Director,
Mr.Niaz Ahmed, No.684-690,
Seethakathi Business Centre, IX Floor,
Thousand Lights, Chennai – 600 006.

...Respondent

Prayer : Criminal Original Petition filed under Section 528 BNSS to call for the records in connection with S.T.C.No.233 of 2023 on the file of the XXV Metropolitan Magistrate at Egmore, Chennai, and quash the same.



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For Petitioners : Mr.A.Punithavanan

ORDER

This petition has been filed seeking to quash the case in S.T.C.No.233 of 2023 pending on the file of the XXV Metropolitan Magistrate at Egmore, Chennai.

2 According to learned counsel for the petitioner, the petitioner is a sub-contractor and there is a business transaction between the petitioner and the respondent. At the time of entering into the contract, the petitioner issued the subject cheque towards security and thereafter there was dispute between the parties and now the cheque has been misused by the complainant for filing the present case against the petitioner. Therefore the case in S.T.C.No.233 of 2023 against the petitioner is liable to be quashed.



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

4 The petitioner is an accused and the respondent is complainant. The respondent filed complainant under Section 200 Cr.P.C. for the offence under Section 138 of Negotiable Instruments Act (in short “NI Act”), which was taken on file in S.T.C.No.233 of 2023. Even though the learned counsel for the petitioner contended the subject cheque has been issued towards security purpose and the petitioner also suitably replied for the statutory notice issued by the respondent/complainant, it is seen that the petitioner/accused sent communication to the complainant through e-mail, in which it is stated that he paid the amount. Whether the accused paid the amount or not is a matter for trial.

5 In the present case, the issuance of cheque is admitted and transaction between the parties is also admitted and the only defence of the petitioner/accused is that the subject cheque has been issued towards



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security. Hence whether there exist any legally enforceable debt or not and the cheque is issued only for security purpose are all matter for trial. The grounds taken by the petitioner would not suffice to quash the case in S.T.C.No.233 of 2023.

6 Accordingly, this Criminal Original Petition stands dismissed. However, the petitioner is at liberty to take all his defence before the trial Court.

28.07.2025

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Speaking /Non-speaking order

To

XXV Metropolitan Magistrate at Egmore, Chennai.



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P.VELMURUGAN, J.

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