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Crl.O.P.No.13978 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 16.06.2025

Coram:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.O.P.No.13978 of 2025

and

Crl.M.P.No.9409 of 2025

1. Exelan Networking Technologies Pvt. Ltd.,
Represented by its Managing Director,
Mr.Premdoss Samson,
(5/310, Pillaiar Koil Street, Okkiampet,
Thoraipakkam, Chennai-600 096),
No.30, Kasturibai Nagar Ist Street,
Adyar, Chennai-600 020.
2. Premdoss Samson, S/o Samuvel Raj,
Managing Director,
Exelan Networking Technologies Pvt. Ltd.,
(5/310, Pillaiar Koil Street, Okkiampet,
Thoraipakkam, Chennai-600 096),
presently at No.34, 3N, Vantage Tower,
5th Avenue, Besant Nagar,
Chennai-600 090.
3. Mrs.Samson Anita,
W/o Prem Doss Samson,
Director,
Exelan Networking Technologies Pvt. Ltd.,
(5/310, Pillaiar Koil Street, Okkiampet,
Thoraipakkam, Chennai-600 096)
presently at No.34, 3N, Vantage Tower,
5th Avenue, Besant Nagar,
Chennai-600 090.

.. Petitioners



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Vs.

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M/s.Cadensworth India Limited,
Merged with M/s.Redingto India Ltd.,
Rep. by Mr.K.Shanmugam,
Senior Manager - Accounts,
SPL Guindy House,
95, Mount Road,
Guindy, Chennai-600 032.

.. Respondent

Criminal Original Petition filed under Section 530 of the Bharatiya Nagarik Suraksha Sanhita and Section 482 Cr.P.C., to call for the records in C.C.No.180 of 2018 on the file of XVIII Metropolitan Magistrate, Saidapet, Chennai and quash the proceedings.

For petitioners : M/s.T.V.Lakshmanan

For respondent : Mr.V.T.Narendiran

ORDER

This petition is filed to call for the records in C.C.No.180 of 2018 on the file of XVIII Metropolitan Magistrate, Saidapet, Chennai and quash the proceedings.

2. Learned counsel for the petitioners submitted that the ingredients of Section 138 of the Negotiable Instruments Act, had not been made out in this case. There is no legally dischargeable debt and after issuing notice, there was part payment and that has not been considered by the Court after issuance of cheque for part payment, and the petitiones cannot be proceeded for the whole

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amount and at the time of issuance of the cheque. The petitioners have clearly narrated the entire facts in the reply notice to the statutory notice issued by the complainant. The respondent also admitted that there was payment in the other Bank, but however, he has failed to take for the drawn amount to the already discharged amount.

3. The respondent submitted that the trial had already commenced and the recording of evidence is also over. The case is now at the stage of arguments before the trial Court.

4. The respondent further contended that the grounds taken by the petitioner are only matters for trial. The petitioners have admitted the signature and also admitted the issuance of the cheque. Therefore, it is clear that the petitioners are delaying the matter for more than 9 years. The petitioners are only dragging on the matter by protracting the complaint and not to give quietus to the proceedings and hence, this petition is liable to be dismissed.

5. The petitioners have admitted the signature and also admitted the issuance of the blank cheque. When once the petitioners admitted these facts, and they have not filled the signed cheque, which the holder in due course has power to do. The fact as to whether it is a legally enforceable debt or not, will have to be agitated only during the course of trial and not at this stage. There is no due process of law and the grounds taken by the petitioners are all the



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defences which can be agitated only during the course of trial before the trial Court. The veracity of the documents and the materials, cannot be decided at this stage of the case under Section 482 Cr.P.C. in this petition.

6. When once the petitioners have admitted the signature and the factum of issuance of cheque also, it is for the petitioners to establish their case, whether it is a legally enforceable debt or not, by way of rebutting the presumption raised by the respondent/complainant. Further, there are no grounds made out to quash the proceedings at this stage. Hence, this petition is dismissed. The petitioners are at liberty to take all their defences during trial before the trial Court. The miscellaneous petition is closed.

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To

The XVIII Metropolitan Magistrate, Saidapet, Chennai.

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P.VELMURUGAN, J

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