



Crl.O.P.No.14164 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.06.2025

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.O.P.No.14164 of 2025 and
Crl.M.P.Nos.9587 and 9624 of 2025

G.Ravikumar

... Petitioner

Vs.

N.Doss

... Respondent

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for records relating to impugned proceedings in S.T.C. No.2983 of 2024 pending before the Fast Track (NI Act), Puducherry and quash the same.

For Petitioner

: Mr.Prakash Adiapadam

ORDER

This Criminal Original Petition has been filed by the petitioner to quash the impugned proceedings in S.T.C. No.2983 of 2024 pending before the Fast Track Court at Magistrate Level (NI Act), Puducherry.

2. The case of the petitioner is that the respondent has filed a complaint against the petitioner under the Negotiable Instruments Act in S.T.C. No.2983 of 2024 on the file of the Fast Track Court at



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Magistrate Level (NI Act), Puducherry alleging that the petitioner who

is his family friend and who is doing business in the name of Ravi

Broilers Chicken, approached him on 15.02.2019 seeking hand loan of

Rs.8,30,000/- for his urgent business purposes and accordingly, the

respondent lent the amount of Rs.8,30,000/- with agreed interest at the

rate of 12% per annum to the petitioner. Thereafter, the petitioner never

paid the interest. On repeated demands, the petitioner issued a current

account cheque on 15.06.2019 bearing No.000712 for the principal

amount of Rs.8,30,000/- and when the same was presented for collection

on 12.07.2019, it was returned dishonoured on 16.07.2019 for the reason

that "funds insufficient". The respondent intimated the same to the

petitioner. Even thereafter, there was no response from the petitioner.

Hence, the respondent was constrained to issue a statutory notice to the

petitioner on 23.07.2019. Though the same was received by the

petitioner, he had not chosen to pay the amount due under the cheque or

reply to the notice and hence, the respondent filed the said complaint

against the petitioner. Pending same, the petitioner has filed the present

petition to quash the STC, on the ground that the cheque was issued in

the name of the trader viz., "for Ravi Broilers" and the petitioner signed



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the cheque only as a Proprietor, whereas, the demand notice and the complaint have been filed against the petitioner in the personal capacity.

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

4. Since no adverse order is being passed against the respondent, notice to the respondent is dispensed with.

5. It is to be noted that in a proprietorship concern, the company need not be added as a party. The Proprietor himself can be prosecuted. Therefore, the grounds taken by the petitioner is not legally tenable.

6. Accordingly, this Criminal Original Petition is dismissed. Consequently, the connected Miscellaneous Petitions are closed.

11.06.2025

Index : Yes/No
Neutral Citation Case : Yes/No
Speaking Order : Yes/No
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To
The Fast Track Court at Magistrate Level (NI Act),
Puducherry.



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