



WEB COPY

CRL OP No. 23156 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-08-2025

CORAM

THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

CRL OP No. 23156 of 2025

and

CrI.M.P.Nos.15821 and 15822 of 2025

Leelakrishnan @ Neelakrishnan

Petitioner(s)

Vs

1. S.Saroja

2.M/s.Chaya Knitting Limited,
Rep by its Authorised Signatory Mr.Leelakrishnan,
Shed No.13, TEKIC, TEA Nagar, Mudalipalayam,
SIDCO, Mudalipalayam, Tiruppur-641 606.

3.Raghunathan

4.Jyothi

Respondent(s)

PRAYER

This Criminal Original Petition has been filed under 528 of BNSS to call for the records and quash the complaint against the petitioner registered in STC No.1214/2006, on the file of the Judicial Magistrate No.1, Tiruppur.



WEB COPY

CRL OP No. 23156 of 2016



For Petitioner(s): Ms. A.B.Fathima Sulthana,
for Mr. T.Nixon

ORDER

Challenge has been made to the complaint filed under Section 138 of NI Act in STC No.1214 of 2006 on the file of the Judicial Magistrate No.I, Tirupur, in which the petitioner is arrayed as A2.

2. The complaint has been lodged by the first respondent for the dishonor of cheques issued by A2 and A3 on behalf of A1 company, in which A1 to A3 are authorized signatories. A4 is the Managing Director and A5 is the Director and responsible for the conduct and day to day affairs of the said company. Towards the debt of Rs.59,02,620, the subject cheques have been issued, which were signed by A2 and A3. When the cheques were presented for encashment, the same were dishonored on the ground of “Exceeds Arrangement”. Hence, after satisfying the legal requirements, a complaint was lodged, which has been taken on file in STC No.1214 of 2006.



WEB COPY

3. It is the contention of the learned counsel for the petitioner that the complaint against him is liable to be quashed on the ground that he resigned from A1company on 30.12.2004, whereas the cheque is dated 13.04.2005. Hence, according to the petitioner, his signature has been forged. Therefore, he seeks to quash the complaint.

4. This Court is of the view that such contention is of no force at all. Whether the signature is forged or not is a matter of evidence. In such view of the matter, though much reliance has been placed in respect of a similar quash petition filed by the petitioner in Crl.O.P.No.26353 of 2010, wherein, this Court dismissed the same and that order has been confirmed by the Hon'ble Supreme Court while dismissing the SLP No.1827-1829 of 2006, while dismissing SLP, the Hon'ble Supreme Court also granted liberty to file an application under Section 319 of CPC, depending on the evidence. Now, it is stated that the said cheque case is still pending. The question of forgery of signature could only be decided during the trial. In such view of the matter, at this stage, this Court is not inclined to quash the proceedings.



5. Accordingly, this Criminal Original Petition is dismissed. However, considering the nature of the allegations, the personal appearance of the petitioner/A2 is dispensed with, except for receiving copies, answering the charges, questioning under section 313 Cr.P.C. and on the date of pronouncing judgment and on any other dates as fixed by the Trial Court. Consequently, connected miscellaneous petitions are closed.

21-08-2025

Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

ssd

To

The Judicial Magistrate No.1, Tiruppur



WEB COPY

CRL OP No. 23156 of 20



N.SATHISH KUMAR J.

ssd

CRL OP No. 23156 of 2025

21-08-2025