



CrI.O.P.No.23920 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.09.2025

CORAM:

THE HON'BLE MR.JUSTICE N. SATHISH KUMAR

CrI.O.P.No.23920 of 2025

and

CrI.M.P.No.16366 of 2025

M.Jothi

... Petitioner

Vs.

M/s.VMNK Agro Product Private Ltd.

Rep. by its Managing Director

No.220/11/C, Narayan Nagar

Cutchery Street

Gobichettipalayam

Erode District

... Respondent

PRAYER : Criminal Original Petition filed under Section 528 of B.N.S.S.
to call for the records relating to the impugned STC No.120 of 2025 on the
file of the Judicial Magistrate Court No.1, Gobichettipalayam and quash the
same in so far as it relates to the petitioner is concerned.

For Petitioner : Mr.P.Santhosh

For Respondent : Mr.V.Anandhamoorthy



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ORDER

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This Criminal Original Petition has been filed to quash the proceedings in STC No.120 of 2025 on the file of the Judicial Magistrate Court No.1, Gobichettipalayam in so far as it relates to the petitioner is concerned.

2. The petitioner has been arrayed as A3 in the private complaint filed by the respondent in STC No.120 of 2025 on the file of the Judicial Magistrate Court No.1, Gobichettipalayam. The respondent filed the complaint alleging that on 13.04.2016, A1/company borrowed a sum of Rs.25 lakhs from the respondent and agreed to pay interest at the rate of 1.5% per month. However, only Rs.10 lakhs was repaid on 30.03.2022 and that the remaining amount. The interest and principal were accumulated to Rs.56,76,793/- as on 31.08.2024. When the money was demanded, A2/Managing Director of A1/Company issued a cheque dated 20.09.2024 for a sum of Rs.56,76,793/-. When the said cheque was presented for encashment, the same was dishonored for the reason 'account closed'. Therefore, after issuance of statutory notice, the complaint was filed. The only ground on which the quashment is sought is that the cheque in question was issued by A2 only on individual capacity and not on behalf of A1/company. Further, in the entire complaint, there is no averment to the



extent that the petitioner who is the Director of A1/Company, was in-charge of the affairs of A1/company at the relevant point of time and therefore, vicarious liability cannot be pressed against the petitioner/A3.

3. The learned counsel for the respondent submitted that A2 issued the cheque only on behalf of A1/company. Hence, based on the dishonored cheque, the complaint was filed.

4. To fasten a liability under vicarious liability as against the Director of the Company, there must be an averment in the complaint as against such Director indicating that he was in-charge of the affairs of the Company. On a perusal of the entire complaint shows that except contending that the legal notice was issued to A2 and A3, there is no other allegation made against the petitioner to the extent that the petitioner/A3 was also in-charge of the affair of the company at the time of borrowal as well as issuance of cheque. Admittedly, the cheque has been issued by A2 on individual capacity and not on behalf of A1/Company. Considering the above facts and circumstances of the case, this Court is of the view that the complaint filed against the petitioner/A3 is necessarily to be quashed.

5. Accordingly, the complaint against the petitioner/A3 in STC No.120 of 2025 on the file of the Judicial Magistrate Court No.1, Gobichettipalayam, stands quashed. The trial Court shall proceed with the



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case as against the other accused.

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6. With the above observations and directions, this Criminal Original Petition is allowed. Consequently, the connected Miscellaneous Petition is closed.

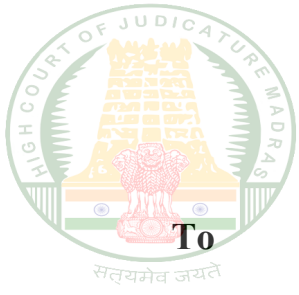
16.09.2025

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Index:Yes/No

Speaking/Non-speaking order

Neutral Citation:Yes/No



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To
The Judicial Magistrate Court No.1,
Gobichettipalayam



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N. SATHISH KUMAR, J.

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