



CrI.O.P.No.25365 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.25365 of 2025
and CrI.M.P.No.17149 of 2025

1.M/s.Sai Leathers
Proprietor
R.Suresh Kumar

2.R.Suresh Kumar

... Petitioners

Vs.

M/s.Sun Chemicals
Proprietrix
M.Latha Mohankumar

... Respondent

PRAYER : Criminal Original Petition is filed under Section 528 of BNSS, to call for the records and quash S.T.C.No.191 of 2025 on the file of the learned Judicial Magistrate, Fast Track Court-I, Erode.

For Petitioners : Mr.C.Emalias

ORDER

Challenge has been made to the private complaint filed under Section 138 of the Negotiable Instruments Act, 1881 on the ground that as the proprietary concern, the petitioner is made as accused and the individual is



CrI.O.P.No.25365 of 2025

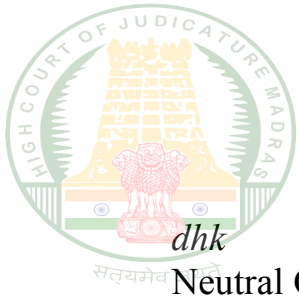
also made as accused, therefore, according to him, the entire private

WEB COMPLAINT has to be quashed.

2. Heard the learned counsel for the petitioner and perused the materials placed on record. At the outset, this Court is of the view that ground alone cannot be a sole criterion to quash the entire private complaint. In the event of complaint leading to sentence, it is for the trial Court to take note of the above facts and only the drawer of the cheque alone should be proceeded further. For better appreciation, it is pertinent to point out that the Hon'ble Supreme Court in the case of *Raghu Lakshminarayanan vs. M/s. Fine Tubes* reported in (2007) 5 SCC 103 has elucidatedly held that in case of proprietorship concern, it is only the proprietor who can be held liable under Section 138 of Negotiable Instruments Act, on account of the fact that proprietorship concern has no separate legal identity.

3. Accordingly, I do not find any merits and this petition stands disposed of. Consequently, connected miscellaneous petition stands closed.

16.09.2025



Crl.O.P.No.25365 of 2025

Neutral Citation : Yes/No
Internet : Yes/No

To

1.The Judicial Magistrate, FTC-I
Erode.

2.The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.25365 of 2025

N. SATHISH KUMAR, J.

dhk

Crl.O.P.No.25365 of 2025

16.09.2025