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CrI.O.P.No.30236 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.01.2025

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THE HONOURABLE MR.JUSTICE P.VELMURUGAN

CrI.O.P.No.30236 of 2024

and

CrI.M.P.Nos.17069 and 17070 of 2024

1. Sheila Bharathan
CEO, Faith Prayer and Tract League,
No.23, Outer Circular Road,
Garden Colony,
Chennai – 600 010.

2. Rev.Dr.Mano Daniel
President/General Director,
Faith Prayer and Tract League,
No.23, Outer Circular Road,
Garden Colony,
Chennai – 600 010.

... Petitioners

Vs.

A.Selvam

... Respondent

Prayer: Criminal Original Petition is filed under Section 528 BNSS, pleaded to call for the records and quash the complaint in S.T.C.No.899 of 2024 on the file of the Judicial Magistrate No.II, Tirupattur.

For Petitioners : Mr.CT.Murgappan
For Respondent : No appearance



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ORDER

This Criminal Original Petition is filed to quash the complaint in S.T.C.No.899 of 2024 on the file of the Judicial Magistrate No.II, Tirupattur.

2. Learned counsel for the petitioners submitted that land in S.No.356/7, measuring an extent of 0.11.0 hectare situated at Rachamangalam Village, Tirupattur Taluk and District was originally belonged to one Abhimannan and his sons Chinnaraji, Mani, Selvam and Mohan. After the death of Abhimannan, his wife Lakshmi and their four sons have succeeded to his estate. While that being so, the said Lakshmi executed a sale deed in respect of the said property to some third party. Challenging the same, the said Lakshmi's sons Chinnaraji, Mani, Selvam and Mohan have filed a suit in O.S.No.222 of 2022 on the file of the District Munsif, Tirupathur against her and others.

3. He further submitted that after discussions both the parties had come forward to amicably settle the matter and withdrawal of the civil case and therefore, the petitioners entered into an agreement on



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01.11.2023 with Selvam, Mohan, M.Ramesh, C.Sudhakar and Murugesan

for purchasing the land in S.No.356/7, measuring an extent of 0.11.0

hectare situate at Rachamangalam Village, Tirupattur Taluk and District for a consideration of Rs.25,00,000/- with an advance of Rs.10,00,000/-.

Subsequently, the petitioners issued two cheques each for a sum of Rs.1,00,000/- in favour of Selvam, Mohan, M.Ramesh, C.Sudhakar and Murugesan as advance consideration for the said land. While that being

so, the second petitioner had issued a notice dated 18.12.2023, prior to the deposit of cheques by the complainant, informing the complainant

that they are no longer interested in the respondent's property, as the contestants in O.S.No.222 of 2022 have made it clear to the petitioners that they are not interested in settling the case with the plaintiffs therein.

Hence, the second petitioner asked the complainant not to present the cheques for collection and asked the cheques to be returned. Despite notice, the respondent/complainant had presented the cheques.

Subsequently, the petitioners instructed their Banker to stop payment on the above cheques. Hence the respondent/complainant herein issued a statutory notice dated 18.01.2024 calling the petitioners to pay the sum mentioned in the cheques, for which, the petitioners have sent a reply dated 21.01.2024. Thereafter, the respondent herein/complainant filed a



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complaint against the petitioners herein and the same was taken on file in S.T.C.No.899 of 2024 on the file of the Judicial Magistrate-II, Tirpattur.

Aggrieved by the same, the present petition has been filed.

4. Learned counsel for the petitioners further submitted that the cheques were issued only for advance payment for the sale consideration, and the same were not issued for discharge of any liability. Hence, the impugned complaint has to be quashed.

5. Heard the learned counsel for the petitioners and perused the materials available on record.

6. Despite service of notice on the respondent and his name has been printed in the cause list, there is no appearance on the side of the respondent either in person or through counsel.

7. Considering the facts and circumstances and also considering the submissions made by the learned counsel for the petitioners, it is clear that the petitioners have not denied the execution of the cheque and also the signature affixed in the cheques, however the only ground taken by the petitioners is that the cheques were issued in favour of the complainant as advance consideration for the said land and not for



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discharge of any liability. The grounds raised by the petitioners are matter for trial and only on completion of trial whether the petitioners issued the said cheques only for advance consideration or not will come to light. Therefore, this Court does not find any reason to quash the complaint filed by the respondent/complainant. However, the petitioners are at liberty to take their defence during trial in S.T.C.No.899 of 2024.

8. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petitions are closed.

9. The personal appearance of the petitioners before the trial Court in S.T.C.No.899 of 2024 on the file of the Judicial Magistrate-II, Tirupattur is dispensed with. However, the petitioners shall appear before the trial Court, as and when their appearance is required for.

21.01.2025

Index : Yes/No
Neutral Citation : Yes/No
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To
The Judicial Magistrate No.II,
Tirupattur.



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P.VELMURUGAN, J

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