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CRL OP No. 26949 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-10-2025

CORAM

THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

**CRL OP No. 26949 of 2025
and Crl.MP.Nos.18412 and 18413 of 2025**

MARIYASTELLA

Proprietor of SMS Enterprises,
9, H Block, Hosuing Board Quarters,
Bomianpet, Puducherry - 605 103

Petitioner(s)

Vs

Rishab Triexim LLP
Represented by its,
Authorised Representative and
Manager, R.Nagarajan,
69, 2nd Floor Wal Tax Road,
Chennai - 600 003

Respondent(s)

PRAYER

To call for the entire records in STC.No.2634 of 2024 on the file of the Metropolitan Magistrate Court FTC-IV, George Town Court at Chennai and QUASH the same.

For Petitioner(s): Mr.D.Senthil Kumaar



ORDER

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The petitioner seeks permission to quash the proceedings initiated under Section 138 of Negotiable Instruments Act in STC.No.2634 of 2024 on the file of the Metropolitan Magistrate Court FTC-IV, George Town Court at Chennai.

2. The complaint has been filed against the petitioner as if there was some supply of polyester related products to the petitioner and towards such supply, a cheque has been issued. When the same was presented for encashment, it got dishonoured. After issuing statutory notice, a complaint has been filed. The same has been sought to be quashed on the ground that there is no privity of contract between the petitioner and the respondent.

3. According to the learned counsel for the petitioner there is no privity of contract and further the petitioner is only a house wife and the supply is also unbelievable.



4. It is seen that the contention of the learned counsel for the petitioner is in the nature of defence. It is for him to establish the same before the Trial Court and dislodge the legal presumption with regard to the cheque and not before this Court. Hence, I do not find any merit in this petition. Accordingly, this petition is dismissed.

5. However, considering the fact that the petitioner is a women, the petitioner's appearance before the Trial Court is dispensed with except for questioning and at the time of order or any other dates as required by the Trial Court. Consequently, connected miscellaneous petitions are closed.

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pvs

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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N.SATHISH KUMAR J.

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