



WEB COPY

CRL OP No. 8317 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-04-2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 8317 of 2026 & CrI.MP.No.5889 of 2026

M. Thulasimani
Director,
Veremax Technologie Services Ltd.,
Having Office at
No.156, Doshi Tower, I Floor,
Poonamalle High Road,
Kilpauk, Chennai-600 010.

..Petitioner(s)

Vs

M/s. Om Murugan Enterprises
Rep. by its Power of Attorney,
Mr. D. Satheesh, S/o. Dillibabu
No.4, Old No.181, Kodambakkam High Road,
Nungambakkam, Chennai-600 034.

..Respondent(s)

Prayer : Criminal Original Petition filed under section 528 of BNSS to call for the records in STC No.6169 of 2025 on the file of the Learned Metropolitan Magistrate, Fast Track Court-II, Egmore, Allikulam, Chennai and Quash the proceedings in so far as they relate to the Petitioner/Accused No.5.

For Petitioner(s): Mr. Mohamed Wasif Khan N

For Respondent(s): Mr.F.John Joseph



ORDER

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The petitioner, who is A5 in STC.No.6169 of 2025 in a private complaint filed by the respondent for the offence under section 138 of the Negotiable Instruments Act, filed this quash petition.

2. The contention of the petitioner is that the petitioner is A5 and he is a non executive director and only on account of his designation as a Director, his name has been included and he is not involved in day to day affairs of the company. In support of his contentions, he relied on the judgment of the Apex Court in **S.M.S.Pharmaceuticals Ltd. Vs. Neeta Bhalla** [[2005] 8 SCC 89] wherein it has been clearly held that merely because a person is holding the office as a Director, he would not be responsible for the conduct of the business.

3. It is the contention of the learned counsel for the respondent that at the 12th hour when the case is posted for arguments, these points have been raised before the trial Court and it is for the trial Court to consider the same and decide the same on its own merits. Hence, opposed the petition.

4. It is seen that the petitioner claims to be non executive director and he had not taken part in the day to day activities of the company and hence, he is



not liable to pay the outstanding amount. Considering above, it is for the trial Court to decide the issue independently based on the evidence produced on its own merits. In view of the same, at this stage, the complaint against the petitioner cannot be quashed. .

5. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

06-04-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

vrc

To

The Metropolitan Magistrate,
Fast Track Court – II,
Egmore, Allikulam, Chennai.



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M.NIRMAL KUMAR, J.

VRC

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