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CrI.O.P.No.15009 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.03.2026

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CrI.O.P.No.15009 of 2021 and
CrI.MP.Nos.8189 & 8190 of 2021

T.Velsankar

... Petitioner

Vs.

T.S.Dhakshinamurthy

... Respondent

Prayer: Criminal Original petition filed under Section 482 of Cr.P.C. to call for the records relating to complaint in CC.No.4388 of 2020 on the file of the learned Chief Metropolitan Magistrate Court, Egmore, Chennai at (Fast Track Court II, Allikulam, Chennai) as against the above petitioner/accused and quash the same.

For Petitioner : Mr.J.Jeya Sabare Eswaran

For Respondent : No appearance

ORDER

This criminal original petition has been filed praying to quash the proceedings in CC.No.4388 of 2020 on the file of the learned Chief Metropolitan Magistrate Court, Egmore, Chennai at (Fast Track Court II, Allikulam, Chennai) as against the petitioner.

2. The petitioner is arrayed as A3 in the complaint lodged by



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the respondent for the offence punishable under Section 138 of NI Act alleging that there is business relationship between the accused company and respondent for the past five years. The first accused availed the service of the respondent. In order to pay the service charge, the accused had issued cheques. All the cheques were presented for collection. However, the cheques were returned dishonoured for the reason 'funds insufficient'. After causing statutory notice, the respondent filed complaint and the same has been taken cognizance by the trial court.

3. The learned counsel appearing for the petitioner would submit that the petitioner is arrayed as A3. The complaint itself is not maintainable since there is no cause of action to lodge complaint against the accused. The cheque was issued by M/s.PSTS Heavy Lift and Shift Limited, whereas the complaint was lodged against M/s.PSTS Logistics Private Limited. Even assuming that M/s.PSTS Logistics Private Limited is an accused, the petitioner was under the capacity of Managing Director and resigned his Directorship itself as early as on 19.04.2018 itself. He was not associated with the first accused company from 19.04.2018. The alleged cheque was issued on 28.10.2019. Therefore, the petitioner cannot be held liable for any charge under Section 138 of NI Act.



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4. Heard, the learned counsel appearing on either side and perused all the materials placed before this Court. Though notice was served on the respondent, no one appeared before this Court either by person or through pleader.

5. On perusal of records, it is revealed that the cheque dated 28.10.2019 was issued by M/s.PSTS Heavy Lift and Shift Limited. After depositing those cheques for collection, all the cheques were returned dishonoured for the reason 'insufficient funds'. Therefore, the respondent caused statutory notice to the first accused i.e. M/s.PSTS Logistics Private Limited and its Directors on 05.02.2020. However, the cheques were issued by M/s.PSTS Heavy Lift and Shift Limited. Though both were sister concerns, the accused persons cannot be held liable for the reason that they have not issued any cheque in the name of M/s.PSTS Logistics Private Limited. The cheques were issued by M/s.PSTS Heavy Lift and Shift Limited. Further, admittedly the petitioner had resigned from his Directorship as on 19.04.2018. In order to substantiate the same, the petitioner also produced form No.DIR11 issued by the Registrar of Companies. Further, Registrar of Companies also issued Form No.DIR 12. The alleged cheque was issued on 28.10.2019. Therefore, on the date of issuance of cheque, the petitioner was not the Director of the first

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accused company. It is unimpeachable document and as such, the petitioner cannot be held liable for any charge since he cannot be said to be in charge and responsible for the business of first accused company.

6. In view of the above, the impugned proceedings cannot be sustained against the petitioner. Accordingly, the entire proceedings n CC.No.4388 of 2020 on the file of the learned Chief Metropolitan Magistrate Court, Egmore, Chennai at (Fast Track Court II, Allikulam, Chennai) is quashed in respect of the petitioner alone.

7. In the result, this criminal original petition stands allowed. Consequently, connected miscellaneous petitions are closed.

09.03.2026

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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To
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Chief Metropolitan Magistrate Court, Egmore, Chennai at (Fast Track
Court II, Allikulam, Chennai)



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G.K.ILANTHIRAIYAN, J.

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