



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-06-2026

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THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

CRL OP No. 34105 of 2025

CrI.M.P.No.23844 of 2025

M/s. Pr Engineers And Contractors
Represented by its Proprietor Yuvaraaj (M/49Y),
Residing at No.1 and 2,
Vepamaanu's Enclave 2nd Street,
Chinna Nolambur,
Mogappair West,
Chennai -600 095.
Having office at No. 75, Ettiappan Street,
Golden George Nagar,
Nerkundram,
Chennai -600 107.

..Petitioner(s)

Vs

M/s.Galaxy Colours
Rep. by its Proprietor Mrs.Sreeja,
W/o.Santhosh Kumar,
Residence and Office at
No.38, Sudarsan Main Road,
Thirumalaivasan Nagar,
Thirumullaivoyal,
Chennai- 600 062.

..Respondent(s)

Prayer:- Criminal Original Petition is filed under Section 528 of BNSS, 2023, pleased to call for the records in STC.No.50 of 2024 filed under Section 138 of Negotiable Instrument Act pending on the file of Fast Track Court Magisterial Level, Ambattur and Quash the same and pass such or other orders as this Court may deem fit and proper under the facts and circumstances of the case and thus render Justice.

For Petitioner(s):

Mr.M.Premkumar

For Respondent(s):

Mr.C.S.S.Pillai



ORDER

The Criminal Original Petition is filed with a prayer to call for the proceedings in S.T.C.No.50 of 2024 and quash the same. The petition arises out of a private complaint filed under Section 200 of the Code of Criminal Procedure, complaining an offence under Section 138 of the Negotiable Instruments Act, 1881.

2. Upon hearing the learned counsel appearing on behalf of the respondent and perusing the material records of the case, the case of the respondent / complainant is that the cheques were issued in discharge of a liability arising out of a subcontract. Upon being presented the same, the cheques were returned due to “insufficient funds”. Consequently, after issuing the due statutory notice, the complaint was preferred.

3. The ground on which the complaint is sought to be quashed is that the cheque is issued on behalf of M/s.PR Engineers & Contractors, which is a partnership firm consisting of two partners, namely Ramulu Vepamanu and Yuvaraj Vepamanu. While the signatory of the cheque is Ramulu Vepamanu, the statutory notice was issued to Yuvaraj Vepamanu. Neither the partnership firm nor the other partner who actually was the drawer of the cheque was issued with a statutory notice or added as an accused in the case. In view thereof, the complaint needs to be quashed.



4. *Per contra*, the learned counsel appearing on behalf of the complainant / respondent submitted that, going by the description, the notice was issued to M/s.PR Engineers & Contractors. Since they were under the impression that Yuvaraj Vepamanu was only the proprietor, the complaint was filed as such. He further contended that with reference to the description always correction is possible.

5. I have considered the rival submissions and perused the materials available on record.

6. As regards the non-issuance of notice to the partnership firm is concerned, the notice dated 02.05.2023 issued reads thus:-

“To:

P.R.Engineers and Contractors

Rep by Mr.Yuvaraj

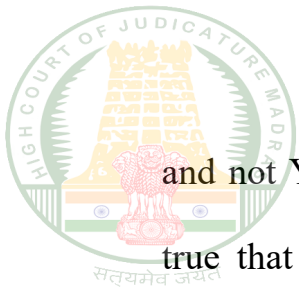
No.75, Ettiappan Street,

Golden George Nagar,

Nerkundram,

Chennai – 600 107.”

7. Therefore, it cannot be said that no notice was issued to M/s.PR Engineers & Contractors. The second limb of the contention is that since the drawer of the cheque was only the other partner, namely Ramulu Vepamanu,



and not Yuvaraj Vepamanu, no notice was issued to Ramulu Vepamanu. It is true that no prosecution can be initiated without the issuance of a statutory notice. In this case Ramulu Vepamanu is not being prosecuted in the criminal complaint. The other contention is that the firm has already been shown as an accused, and it is said to be represented by the Yuvaraj Vepamanu with reference to description as a 'proprietor'. It has already been held that, in circumstances necessitating, amendments to a complaint can also be permitted. Therefore, I do not see any inherent illegality to quash the complaint under Section 138 of the Negotiable Instruments Act. All other grounds and defences regarding the merits of the case are kept open to be raised during the course of the trial.

8. With the above observations, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

30-06-2026

Neutral Citation: Yes/No

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D.BHARATHA CHAKRAVARTHY, J.

EP

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