

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.08.2015

CORAM

THE HON'BLE MR.JUSTICE P.N.PRAKASH

Crl.O.P.No.9432 of 2008

and

M.P.No.1 of 2008

Jayaseelan.J

... Petitioner

Vs.

HDFC Bank Ltd.,  
Rep by its Officer, Manager (Legal)  
P.Selvamani, S/o.E.V.Pandian,  
Having Office at D Block,  
No.108, First Main Road,  
Anna Nagar East,  
Chennai - 600 102.

... Respondent

Prayer: Criminal Original Petition filed under Section 482 of the Cr.P.C., praying to call for the entire records in C.C.No.3032/2008 pending on the file of X Metropolitan Magistrate Court, Egmore, Chennai and quash the entire proceedings as against the petitioner.

For Petitioner : Mr.R.Amizhdhu

O R D E R

This Criminal Original Petition has been filed praying to quash the C.C.No.3032/2008 pending on the file of the X Metropolitan Magistrate Court, Egmore, Chennai

2. Heard Mr.R.Amizhdhu, learned counsel for the petitioner.

3. It is seen that the respondent filed a private complaint in C.C.No.3032 of 2008 against the petitioner herein before the learned X Metropolitan Magistrate, Chennai for the offences under Sections 406, 420 I.P.C., On a reading of the complaint, it is obvious that the petitioner had borrowed loan from the respondent Bank and defaulted in making payment, in respect of which, the respondent Bank has filed the impugned private complaint.

4. Though notice was served on respondent Bank, today there is no representation.

5. It may be relevant to mention here that during the year 2008 and 2010, hundreds of private complaints were filed by various financial institutions against borrowers in certain Courts in Chennai. This came to the notice of the learned Single Judge of this Court, who directed the Registry to collect information from all the Courts in Chennai and list the matters for hearing. The learned Judge found that the financial institutions have been abusing the process of law by lodging private complaints in respect of purely commercial and civil transactions. The learned Judge by order dated 21.08.2008 in Crl.OP.Nos.15451 and 15981 of 2008 quashed all the private complaints. Somehow, this quash petition though filed in the year 2008 by the accused, escaped the net and has been pending on the file of this Court till today.

6. This Court finds that the present complaint of the respondent Bank is clearly an abuse of process of law inasmuch as, a purely civil transaction has been given a criminal colour. In the result, this Criminal Original Petition is allowed and proceedings in C.C.No.3032 of 2008 pending on the file of X Metropolitan Magistrate Court, Egmore, Chennai is quashed. Consequently, connected miscellaneous petition is closed.

Sd/-  
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

ds  
To

1.The X Metropolitan Magistrate,  
Egmore, Chennai.

2.-Do- Through The Chief Metropolitan Magistrate,  
Egmore, Chennai.

Crl.O.P.No.9432 of 2008

GJ(CO)  
CA(09/09/2015)