

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 16.04.2019

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Cr1.O.P.No.18473 of 2013

1.M/s. International Sree Balaji Hotels (P) Ltd.,
Rep., by its Managing Director,
Flat No.C, 3rd Floor, Balaji Villa,
New No.10/12, Old No.23/30,
D' Silva Road, Mylapore,
Chennai - 600 004

2. Mr. R.Ramanan

3.R.Sudha Ramanan

Petitioners

Vs

1.Bank of India,
Chennai Asset Recovery Branch,
Erabalu Chetty Street,
Chennai- 600 001
Rep., by its Senior Manager,
Mr.A.J.Sundaram

Respondent/ Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to call for the records pertaining to the C.C.No.2943 of 2012 pending trial on the file of learned VII Metropolitan Magistrate, George Town, Chennai and quash the same.

For Petitioners : Notice served-No Appearance

For Respondent : Mr.S.Jayaraman (Intervener)

O R D E R

The respondent filed a private complaint under Section 200 of Cr.P.C., before the learned IV Metropolitan Magistrate, George Town, Chennai against the petitioners for the offence under Section 138 of the Negotiable Instrument Act. The learned IV Metropolitan Magistrate after taking cognizance of the complaint on file in C.C.No.2943 of 2012, during the pendency of the case the petitioners/accused filed this Criminal Original

Petition for quashing the complaint, filed by the respondent, stating that, the Asset Reconstruction Company (India) Limited, has paid entire loan amount to the respondent bank.

2 Admittedly, the petitioners have committed default in repayment of the credit availed by them from the respondent and consequently the loans were classified as Non Performing Assets and action was initiated against petitioners 1,2 and 3 for recovery of the dues. petitioners 2 and 3 handed over a letter dated 27.04.2012 addressed to the respondent Bank in connection with the part discharge of their Term Loan's No's.800475110000061, 800465410000001 and 800465210000005 along with three cheques for (i) For Rs.3,00,00,000/- (Rupees Three Crores) with No.581234 dated 30.04.2012 drawn on Bank of India, T.Nagar Branch, Chennai in favour of M/s International Sree Balaji Hotels (Pvt) Ltd., Bank of India loan Account, (ii) For Rs.5,00,00,000/- (Rupees Fiver Crores only) with no.581235 dated 09.05.2012 drawn on Bank of India, T.Nagar Branch, Chennai in favour of M/s.International Sree Balaji Hotels (Pvt) Ltd, Bank of India loan Account and (iii) For Rs.9,77,94,300/- (Rupees Nine Crore Seventy Seven Lakhs and ninety four thousand and three hundred only) with No.581236 dated 15.05.2012 drawn on Bank of India, T.Nagar Branch, Chennai in favour of M/s. International Sree Balaji Hotels (Pvt) Ltd, Bank of India Loan A/c totalling Rs.17,77,94,300/- (Rupees Seventeen crore seventy seven lakhs ninety four thousand and three hundred only). The liabilities, and issuance of cheque is also admitted. It is also an admitted fact that the said cheque was presented in the Bank and the same was dishonoured.

3 It is to be noted that during the pendency of C.C.No.2943 of 2012 the assigner the Asset Reconstruction Company (India) Limited, had filed a petitioner in M.P.No.1080 of 2017 for substitution before the learned Magistrate and the same was allowed. Against which, the present petitioners filed a revision before this Court in CrI.R.C.No.1081 of 2017 and the same is dismissed by this Court today. In view of the dismissal of the above mentioned revision case, this Original Petition is liable to be dismissed.

4 In the result, the Criminal Original Petition is dismissed.

Sd/-

Assistant Registrar (CS-VIII)

//True copy//

Sub Assistant Registrar

sbn

To

The VII Metropolitan Magistrate,
George Town, Chennai.

+1cc to Mr.V.V.sivakumar, Advocate SR.No.33946

Cr1.O.P.No.18473 of 2013

RP (CO)
GMY (27/01/2020)



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