



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.11.2021

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

CRL. O.P. NOS.7132 OF 2017
AND CRL.M.P.NOS.5176 AND 5177 OF 2017

T.Thanukkodi

... Petitioner

.Vs.

Axis Bank Limited
Rep.by its Executive
Mr.Thiayagarajan,
Having its office at 2nd floor,
Centennial Square, No.6A,
Dr.Ambedkar Road,
Kodambakkam,
Chennai-600 024.

... Respondent

PRAYER :

Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records in C.C.No.3537 of 2015 before the learned III Fast Track Metropolitan Magistrate at Saidapet, Chennai and quash the same.

For Petitioner	: Mr.K.Kathiresan
For Respondent	: Mr.M.R.Umavijayan

ORDER

This Criminal Original Petition has been filed to call for the records in C.C.No.3537 of 2015 before the learned III Fast Track Metropolitan Magistrate at Saidapet, Chennai and quash the same.

2. Heard the learned counsel for the petitioner and the learned counsel for the respondent.

3. The main ground on which this quash petition is filed that despite the fact that the cheque was issued at Pudukottai, the prosecution has been lodged by the respondent bank at Chennai. It is to be noted that under Section 142(2)(a) of the Negotiable Instruments Act, 1881, no Court shall take cognizance of any offence punishable under Section 138 except upon a



complaint, in writing, made by the payee or, as the case may be, the holder in due course of the cheque.

4. From the above, it is made clear that the Court within whose jurisdiction, the branch of the bank where the payee maintains the account is situated, will have the jurisdiction to try the offence, if the cheque is delivered for collection through an account. The same has also been approved by the Hon'ble Apex Court in a judgment in Transfer Petition(Criminal) No.273 of 2020 in the case of M/s.Himalaya Self Farming Group and Anr. vs. M/s.Goyal Feed Suppliers.

5. From the above judgment, this Court is not inclined to interfere with the proceedings and cannot quash the same.

6. Accordingly, this Criminal Original Petition is dismissed with a direction to the Court below to complete the proceedings in C.C.No.3537 of 2015 before the learned III Fast Track Metropolitan Magistrate at Saidapet, Chennai as expeditiously as possible. It is for the petitioner to take all his defence before the trial Court. The accused is directed to appear before the trial Court within two weeks from the date of receipt of a copy of this order and file an application under Section 436 of Code of Criminal Procedure. On such filing of the application, trial Court is directed to release the petitioner on bail on the same day on executing a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) each with two sureties. If thereafter, he absconds, a fresh FIR can be registered under Section 229 A of the Indian Penal Code. Consequently, connected Criminal Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

msv

Sub Assistant Registrar

To

The learned III Fast Track Metropolitan Magistrate
Saidapet, Chennai.

Crl. O.P. Nos.7132 of 2017
and Crl.M.P.Nos.5176 and 5177 of 2017

PCH(CO)
PM/30/11/2021