



Crl.O.P No.27298 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **09.11.2022**

CORAM

THE HONOURABLE Ms. JUSTICE R.N.MANJULA

Crl.O.P No.27298 of 2022
and Crl.M.P.Nos.16785 & 16786 of 2022

S.Selvam

... Petitioner

Vs.

M/s.Equitas Small Finance Bank Limited,
(Formerly known as M/s.Equitas Finance Limited)
F-39, Sepncer Plaza, 4th Floor, Phase-II,
No.769, Anna Salai, Chennai – 600 002,
represented by its Legal Officer
D.Arjun

... Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, praying to call for the records relating to S.T.C.No.348 of 2021 on the file of the XI Small Causes Court at Chennai, and quash the same.

For Petitioner : Mr. S.Vinoth Kumar



ORDER

This petition is filed to call for the records relating to S.T.C.No.348 of 2021 on the file of the XI Small Causes Court at Chennai, and quash the same.

2. The learned counsel for the petitioner submitted that he had availed loan from the complainant / respondent for the purpose of purchasing a vehicle. It is alleged by the respondent that the petitioner had committed default in repaying the loan and the cheque issued by the petitioner towards repayment was dishonoured.

3. The point which the learned counsel for the petitioner is trying to make out is that the respondent did not produce any document to show that the petitioner had committed default at any point of time. The fact remains that the petitioner admits his loan transaction with the respondent. It is not the contention of the learned counsel for the petitioner that the petitioner did not issue the impugned cheque. It is the contention of the learned counsel for the petitioner that the cheque was issued only by way of security and not towards discharging any debt or liability.



4. The facts now submitted by the learned counsel for the petitioner can be proved only during the trial. So far as the complaint under Section 138 of Negotiable Instruments Act is concerned, the complaint of the respondent would reveal that the complainant has complied all the mandatory requirements and made out a case under Section 138 of Negotiable Instruments Act. Hence, I find no reason for interference at this stage.

5. In view of the above, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petitions are closed.

09.11.2022

Index : Yes/No
Speaking Order : Yes / No

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To:

The Judge,
XI Small Causes Court,
Chennai.



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R.N.MANJULA, J.,

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