



Crl.O.P.No.23881 of 20245.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.11.2024

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

Crl.O.P.No.23881 of 2024

and

Crl.M.P.Nos.13478 & 13479 of 2024

Dharani Muralidharan

... Petitioner

Vs

1. Samunnati Financial Intermediation And Services Ltd.,
Represented By Its Consultant-power Agent Mr.M.Kannan,
S/o.Muthusamy,
Registered Office At Baid Hitech Partk,
No.129-b, 8th Floor, ECR,
Thiruvanmiyur, Chennai-600 041.
2. Rural Edcuation and Development Society,
Represented by its President Mr.Sridharan,
registered office at 77/B,
Dharmaraja Kovil Street,
Chetpet, Settupattu, Polur,
Thiruvannamalai District 606 801.
- 3 Sridharan
S/o.Muralidharan,
Executive Director
M/s. Rural Education and Development Society
Residing at No.77/b Dharmaraja kovil street



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Chetpet settupattu, Polur,
Thiruvannamalai District.

- 4 J.Anbarasi Joshap,
W/o, Muralidharan,
Treasurer M/s.Rural Education and
Development Society,
Residing at no.77
Dharmaraja kovil street, Chetpet, Settupattu
Polur, Tiruvannamalai District.
- 5 C.Srinivasan
Secretary M/s.Rural Education and
Development Society, Residing at Rajarajan
Street, Tiruvannamalai District-606 601.
- 6 J.Irudayaraj
Executive member M/s.Rural Education and
Development Society, Residing at no.27-4
Madga Kovil Street, Theresapuram Kodiyalam
Thanjavur district.
- 7 A.Marry
Executive member M/s.Rural Education and
Development Society, residing at no.34
Muthumariyamman kovil street Katpadi
Vellore district-632 059.
- 8 P.Susila
Executive member M/s.Rural Education and
Development Society, residing at no.34
Azhagiri Street, Chetpet, Polur
Tiruvannamalai District-606 801



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9 Sandeep

Executive member M/s.Rural Education and
Development Society, residing at no.59/35
13th street Anna nagar Chennai-600 102.

... Respondents

PRAYER:

Criminal Original Petition filed under Section 528 of BNSS, to
call for the records pertaining to the STC No.3687 of 2023 on the file of
the learned V Fast Track Metropolitan Magistrate Court, Saidapet,
Chennai and quash the same in respect of the petitioner/5th accused.

For Petitioner : Mr.S.Jayavel

For R1 : M/s.Rukmani Venugopalan

R2 to R9 : Not ready in notice

ORDER

This Criminal Original Petition has been filed to call for the
records pertaining to STC No.3687 of 2023 on the file of the learned V
Fast Track Metropolitan Magistrate Court, Saidapet, Chennai and quash
the same in respect of the petitioner/5th accused.



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2. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the first respondent and perused the materials available on record.

3. Learned counsel for the petitioner submitted that the first respondent filed a complaint as against the petitioner and eight others for the offence under section 138 of the Negotiable Instruments Act and the same was taken on file in S.T.C.No.3687 of 2023 on the file of the Fast Track Court V, Saidapet, Chennai. The cheque was issued by the Rural Education and Development Society/R2. The petitioner has never been a member of the said Society at the time of the alleged loan. The petitioner has nothing to do with the financial transactions of the respondent No.2.

4. Learned counsel for the first respondent submitted that the accused has given cheque towards discharge of loan amount and when the same was presented for collection, it was dishonoured. Hence, the first respondent filed a complaint as against the accused.



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5. Whether the parties entered into an enforceable agreement for loan and the society has to repay the outstanding amount to the complainant are the issues to be decided during the course of trial. Hence, this Court is not inclined to allow this petition.

6. In view of the same, the Criminal Original Petition is dismissed. Consequently, connected miscellaneous petitions are closed. However, the petitioner is at liberty to take all his defence before the trial court.

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Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No



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P.VELMURUGAN, J.

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