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CrI.O.P.No.29635 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.11.2024

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

CrI.O.P.No.29635 of 2024 and
CrI.M.P.Nos.16583 and 16584 of 2024

Mohamedmeeran

... Petitioner

Vs.

M/s.Equitas Small Finance Bank Limited
(Formerly known as M/s.Equitas Finance Limited)
Office at Spencer Plaza, No.769
4th Floor, Phase-II, Anna Salai
Chennai - 600 002
Rep. by its Authorized Officer
Mr.Ukesh Kumar N (E97371)

... Respondent

Prayer: Criminal Original Petition filed under Section 528 of B.N.S.S. to call for the records in S.T.C.No.7860 of 2024 pending on the file of Metropolitan Magistrate (Fast Track Court No.I), Allikulam, Egmore at Chennai and quash the same.

For Petitioner

: Mr.K.S.Sabarirama



Cr.O.P.No.29635 of 2024

WEB COPY

ORDER

This Criminal Original Petition has been filed to quash the complaint in S.T.C.No.7860 of 2024 pending on the file of Metropolitan Magistrate (Fast Track Court No.I), Allikulam, Egmore at Chennai.

2. The learned counsel for the petitioner submitted the respondent/complainant has filed a complaint against the petitioner under Section 200 Cr.P.C. read with Section 138 of the Negotiable Instruments Act, in S.T.C. No.7860 of 2024 before the Metropolitan Magistrate (Fast Track Court No.I), Allikulam, Egmore, Chennai, as if, the cheque in question issued to the respondent by the petitioner dishonoured, with an endorsement "Account Closed". The learned counsel submitted that the money covered under the said cheque, was already subjected to the proceedings before the Debt Recovery Tribunal and subsequently, the said proceeding was dismissed for default and hence, he was taking steps to restore the same. In the meantime, the



CrI.O.P.No.29635 of 2024

respondent/complainant filed a complaint under Section 138 of the Negotiable

Instruments Act before the concerned Magistrate suppressing the material facts. Further, no notice was served on the petitioner before filing of the complaint. Hence, the learned counsel for the petitioner prayed that the complaint filed by the respondent/complainant against the petitioner is liable to be quashed.

3. Heard the learned counsel for the petitioner and perused the materials available on record.

4. Since no adverse order is to be passed, notice to the respondent is dispensed with.

5. The submissions made by the learned counsel for the petitioner are all matter of defence for trial, which cannot be decided by this Court while exercising its powers under Section 528 of B.N.S.S. (Section 482 Cr.P.C.) Further, the proceedings under Section 138 of the Negotiable Instruments Act are summary proceedings. The respondent/complainant has issued statutory



CrI.O.P.No.29635 of 2024

notice to the petitioner and the same was also served on the petitioner and that

the respondent/complainant has also filed a copy of the legal notice sent to the petitioner along with the acknowledgement card. Therefore, it is for the petitioner to establish all his defences before the Magistrate pending trial.

6. This Court finds that there are prima facie allegations against the petitioner and there is no reason to quash the complaint filed against the petitioner in S.T.C. No.7860 of 2024.

7. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petitions are closed.

8. The petitioner is at liberty to take all his defences during trial/enquiry before the Magistrate in the pending S.T.C.

26.11.2024

Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No

ksa-2



CrI.O.P.No.29635 of 2024

To

The Metropolitan Magistrate (Fast Track Court No.I)
Allikulam, Egmore at Chennai



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CrI.O.P.No.29635 of 2024

P.VELMURUGAN. J.

Ksa-2

CrI.O.P.No.29635 of 2024

26.11.2024