



Crl.O.P.Nos. 8785 of 2025 and etc., batch case

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.04.2025

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.Nos.8785, 8829, 8834, 8828, 9122, 9160, 8804, 8815, 8888, 8890, 8895, 9096, 9098, 9103, 9235, 9192, 9195, 9188, 8847, 9092, 9128, 9202, 9242, 9243, 8903, 9110, 9114, 9150, 9152, 8845, 9252, 9257, 9260, 8818, 8832, 8851, 8852, 9267, 8838, 8857, 8881, 9133, 9136, 9138, 9141, 9142, 9146, 9230, 8900, 9120, 8839 & 8897 of 2025,

and

CrI.MP.Nos.5779 & 5781, 5828 & 5830, 5837 & 5838, 5832 & 5834, 6022 & 6023, 6070 & 6073, 5798 & 5799, 5809 & 5810, 5893 & 5894, 5895 & 5911, 5901 & 5902, 6004 & 6005, 6008 & 6011, 6006 & 6007, 6129 & 6130, 6095 & 6097, 6099 & 6101, 6091 & 6092, 5851 & 5853, 6001 & 6002, 6030 & 6031, 6103 & 6104, 6142 & 6146, 6135 & 6137, 5913 & 5914, 6012 & 6013, 6014 & 6015, 6056 & 6057, 6060 & 6062, 5849 & 5850, 6144 & 6147, 6149 & 6150, 6153 & 6155, 5813 & 5815, 5833 & 5836, 5858 & 5859, 5861 & 5863, 6159 & 6160, 5842 & 5846, 5867 & 5868, 5888 & 5890, 6035 & 6036, 6039 & 6043, 6040 & 6041, 6049 & 6054, 6044 & 6046, 6052 & 6053, 6126 & 6127, 5907 & 5908, 6018 & 6019, 5840 & 5844 and 5904 & 5905 of 2025

Crl.O.P.No.8785 of 2025

Robert Nirmal Singh

... Petitioner

Vs.

Ajith S Lulla

..Respondent



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PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records pertaining to STC No.773 of 2021 on the file of the learned Judicial Magistrate, Thiruvottiyur and quash the same.

For Petitioner
in all petitions : Mr.R.A.S.Senthilvel

For Respondent
in all petitions : Mr.D.Chandrasekar
Government Advocate (crl.side)

COMMON ORDER

These Criminal Original Petitions have been filed to quash the proceedings in STC Nos. 109, 110, 111, 112, 113, 114, 115, 181, 182, 183, 184, 185, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 214, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782 of 2021, 446, 447, 448, 449 of 2023 on the file of the learned Judicial Magistrate, Thiruvottiyur thereby taken cognizance for the offences under Section 138 of Negotiable Instruments Act as against the petitioner.

2. In all the criminal original petitions, all the petitioner and the

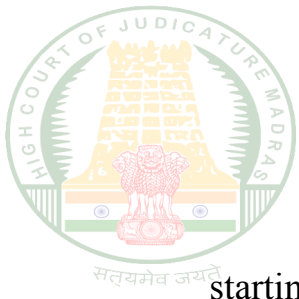


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respondent are the same. The respondent filed complaints for the offence punishable under Section 138 of NI Act as against the petitioner. The crux of the complaint in all the cases is that the respondent is doing money lending business. The petitioner and the respondent are friends and are well known to each other for several years. The petitioner borrowed multiple loan amounts for his business purpose and also for his personal needs. The entire loan was consolidated under the registered mortgage of deposit of title deeds. In order to make partial discharge of the said loan, the petitioner issued cheques for various amounts. All the cheques were presented for collection and the same were returned dishonoured for the reason -contact drawer, drawee bank, present again-. On issuance of statutory notice, the respondent lodged complaints.

3. On perusal of reply notice sent by the petitioner in all the complaints, revealed that the petitioner and the respondent are friends with regards to money transaction. The petitioner borrowed so many amounts and the same were duly repaid to the respondent. Due to the said understanding between them, the respondent had given a false promise to the petitioner as if to mortgage the property to avail huge sum of loans for



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starting various business such as super market, petrol bunk, sea boating, omni bus, etc. in partnership. Believing the said words, the petitioner transferred three immovable properties in favour of the respondent. That apart, the petitioner also handed over the deposit of title deeds by mortgaging to avail loan from the bank. However, the respondent as promised by him, failed to avail any loan from the bank to start any business. Though the petitioner repaid the entire loan amount, the respondent failed to return the cheques, pronotes and other documents which were received as security at the time of borrowing loan. Further, all the cheques were returned dishonoured for the reason “contact drawer, drawee bank, present again”.

4. Admittedly, the respondent failed to contact the petitioner and never represented the cheque. Therefore, what is the original reason for returning the cheque is not stated in the notice and it would not amount to offence under Section 138 of NI Act. The alleged cheques were not returned for any of the reason as if mistake committed by the petitioner. Further, on perusal of complaint, the entire allegations are bald and vague and the respondent did not even stated what was the amount

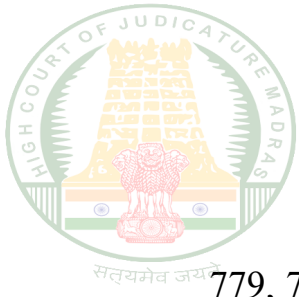


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borrowed by the petitioner and on what date. Simply he stated that towards discharge of partial liability, the petitioner issued cheques. Therefore, no prudent man would have issued cheques for these amounts. It shows that the cheques were issued for the purpose of security at the time of availing loan. Admittedly, the petitioner had executed sale deed in favour of the respondent in respect of three immovable properties by the registered sale deeds. Further, petitioner lodged complaint for the offence committed by the respondent and the same has been registered in crime No.99 of 2022 on the file of the Central Crime Branch Chennai for the offence under Sections 420 and 406 of IPC. Pursuant to the registration of FIR, the respondent was also arrested and remanded to judicial custody. Thereafter, he was granted bail. Therefore, the present complaints are nothing but clear abuse of process of law and they cannot be sustained. As such, all the impugned proceedings are liable to be quashed.

5. Accordingly, the entire proceedings in STC Nos. 109, 110, 111, 112, 113, 114, 115, 181, 182, 183, 184, 185, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 214, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 770, 771, 772, 773, 774, 775, 776, 777, 778,



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779, 780, 781, 782 of 2021, 446, 447, 448, 449 of 2023 on the file of the learned Judicial Magistrate, Thiruvottiyur are quashed and all the criminal original petitions are allowed. Consequently, connected miscellaneous petitions are closed.

15.04.2025

Neutral citation : Yes/No
Speaking/non-speaking order
shk

To

- 1.The Judicial Magistrate, Thiruvottiyur
2. The Public Prosecutor,
High Court, Madras.

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