WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.04.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.9827 of 2025
and Crl.M.P.No.6489 of 2025

1. M/s.Aanjaneyaa Natural Centerrs,
   Rep.By Its
   Partner / Authorized Signatory,
   M.Neelamegam

2. M.Neelamegam ... Petitioners

Vs

S.Kumar ... Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023/ Section 482 of Cr.P.C, to call for the entire records in connection with the STC.No.4501 of 2024 on the file of the Hon'ble Metropolitan Magistrate Fast Track Court - V, Saidapet, Chennai and quash the same.

For Petitioners : Mr.R.S.Mangala Kumar

ORDER

This Criminal Original Petition has been filed to quash the proceedings in STC.No.4501 of 2024 on the file of the Metropolitan Magistrate Fast Track Court - V, Saidapet, Chennai.

2. Heard the learned counsel for the petitioners and perused the

https://www.mhc.tn.gov.in/judis

WEB COPY

materials placed on record.

3. The petitioner is an accused in the complaint lodged by the respondent for the offence punishable under Section 200 of Cr.P.C read with Section 138 of Negotiable Instrument Act, 1881 in STC.No.4501 of 2024, on the file of the Trial Court.

4. The only ground raised by the petitioner is that the petitioner is residing out of the jurisdiction of the Trial Court. The Trial Court, without following the procedure as contemplated under Section 225 of BNSS, 2023, directly issued summons.

5. It is relevant to extract the provisions under Section 225 of Bharatiya Nagarik Suraksha Sanhita, 2023 as follows:-

> *" **225**. (1) Any Magistrate, on receipt of a complaint of an offence of which he is authorised to take cognizance or which has been made over to him under section 212, may, if he thinks fit, and shall, in a case where the accused is residing at a place beyond the area in which he exercises his jurisdiction, postpone the issue of process against the accused, and either inquire into the case himself or direct an investigation to be made by a police officer or by such other person as he thinks fit, for the purpose of deciding whether or not there is sufficient ground for proceeding:*
>
> *Provided that no such direction for investigation*

https://www.mhc.tn.gov.in/judis

WEB COPY

shall be made,—

(a) where it appears to the Magistrate that the offence complained of is triable exclusively by the Court of Session; or

(b) where the complaint has not been made by a Court, unless the complainant and the witnesses present (if any) have been examined on oath under section 223.

(2) In an inquiry under sub-section (1), the Magistrate may, if he thinks fit, take evidence of witnesses on oath:

Provided that if it appears to the Magistrate that the offence complained of is triable exclusively by the Court of Session, he shall call upon the complainant to produce all his witnesses and examine them on oath.

(3) If an investigation under sub-section (1) is made by a person not being a police officer, he shall have for that investigation all the powers conferred by this Sanhita on an officer in-charge of a police station except the power to arrest without warrant.

6. Thus, it is clear that where the accused is residing outside the territorial jurisdiction of the Trial Court, the Trial Court shall conduct enquiry as mandated under Section 225 of BNSS, 2023 and proceed against such accused only upon being satisfied that there are sufficient grounds to proceed against them.

7. In view of the above, the Metropolitan Magistrate Fast Track Court - V, Saidapet, Chennai is directed to conduct enquiry and proceed with the trial in S.T.C.No.4501 of 2024 as contemplated under Section 225 of BNSS, 2023. If the Trial Court is satisfied that there are sufficient grounds to proceed as against

https://www.mhc.tn.gov.in/judis

WEB COPY

the accused, the Trial Court is directed to proceed further in accordance with law.

8. With the above directions, this Criminal Original Petition stands disposed of. Consequently, connected Miscellaneous petition is closed.

02.04.2025
(2/5)

Internet:Yes
Index:Yes/No
Speaking/Non speaking order
mn

https://www.mhc.tn.gov.in/judis

WEB COPY

To

1. The Metropolitan Magistrate Fast Track Court – V,
   Saidapet, Chennai.

2. The Public Prosecutor,
   High Court, Madras.

https://www.mhc.tn.gov.in/judis

WEB COPY

G.K.ILANTHIRAIYAN. J,

mn

Crl.O.P.No.9827 of 2025

02.04.2025

https://www.mhc.tn.gov.in/judis