



Crl.O.P.No.23171 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.08.2025

CORAM:

THE HON'BLE MR.JUSTICE N. SATHISH KUMAR

Crl.O.P.No.23171 of 2025
and Crl.M.P.No.15961 of 2025

S.Swarnalatha

... Petitioner

Vs.

B.Hemalatha

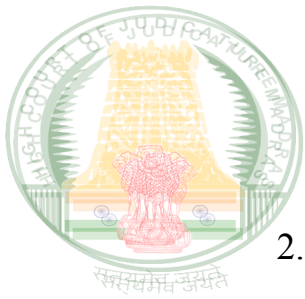
... Respondent

PRAYER : Criminal Original Petition is filed under Section 482 Cr.P.C./528 of BNSS, to set aside the order passed by the learned Metropolitan Magistrate, Fast Track Court – II, Egmore, Allikulam, Chennai -3.

For Petitioner : Mr.S.Annamalai

ORDER

Challenge has been made to the order of the trial Court dated 17.07.2025, dismissing the application filed by the petitioner in Crl.M.P.No.9855 of 2025 in S.T.C.No.8435 of 2024 under Section 94 of BNSS (corresponding to Section 91 Cr.P.C.), seeking to summon certain documents.



2. The complaint under Section 138 of the Negotiable Instruments

Act has been filed by the respondent, alleging that the petitioner borrowed a sum of Rs.9,80,000/- and issued the cheque dated 21.12.2023, which was subsequently dishonored. It is now the contention of the petitioner that during the cross examination, the respondent admitted to having pledged her jewels in order to mobilize the funds. Therefore, the petitioner filed an application seeking to summon the statements of account from the Tamilnad Mercantile Bank and other documents to establish the pledging and subsequent redemption of the jewels by the de facto complainant. However, the trial Court dismissed the same holding that the petition was filed only to delay and drag on the proceedings. Aggrieved over the same, the present petition has been filed.

3. At the outset, this Court is of the view that if at all the petitioner intends to establish that there was no consideration, the petitioner ought to have at least issued a notice to the complainant to produce the relevant documents. In the event of non-production, the alternative option available to the petitioner is that she could have summoned a witness from the bank concerned and examine him in this regard. Therefore, without resorting to such remedies, filing of an application under Section 94 BNSS is not



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maintainable. Therefore, this Court does not find any valid ground to quash the order dated 17.07.2025 passed by the learned Metropolitan Magistrate, Fast Track Court – II, Egmore, Allikulam, Chennai, in Crl.M.P.No.9855 of 2025 in S.T.C.No.8435 of 2024.

4. Accordingly, the Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

21.08.2025

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Neutral Citation: Yes/No

To

1. The Metropolitan Magistrate,
Fast Track Court – II,
Egmore, Allikulam, Chennai -3.



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N. SATHISH KUMAR, J.

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