

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-08-2025

CORAM

THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

CRL OP No. 23435 of 2025 & CrI.M.P.No.15973 of 2025

1. M/s. Kulandthaiswamy Gounder Tex,
Represented by its partner, Mr.
Muthusamy, 3/292,
Nagamanaickenpatti, Uthamapalayam,
Vellakoil, Tiruppur - 638111.

2. Muthusamy
s/o.Kulanthaiswamy, No.3/256,
Nagamanaickenpatti, Uthamapalayam,
Vellakoil, Tiruppur - 638111.

Petitioner(s)

Vs

1. Equital Small Finance Bank Limited,
Represented by its Power Agent, Mr.
Gokulakrishnan, Spece Plaza, 4th Floor,
Phase II, No.769, Mount Road, Anna
Salai, chennai - 600002.

Respondent(s)

PRAYER : Criminal Original Petition filed under section 528 of BNSS to call for the records culminating in STC.No.2919/2022 on the file of the Hon'ble XXV Metropolitan Magistrate Court, Egmore, Chennai and to quash the same.

For Petitioner(s): Mr.M.Santhanaraman

ORDER

This Criminal Original Petition has been filed to quash the complaint filed by the respondent in STC.No.2919/2022 on the file of the XXV Metropolitan Magistrate Court, Egmore, Chennai.

2. The complaint has been filed by the respondent under section 138 of the Negotiable Instruments Act for dishonour of the cheque. It is the case of the respondent that the petitioners had borrowed a loan from the respondent and towards repayment of loan, a cheque has been issued and when the same presented to the bank the same was returned as 'account closed'. It is the contention of the learned counsel for the petitioners that the account was closed even prior to the loan transaction and the same has been informed to the respondent. It is their further contention that the cheque issued for some other transaction has been misused by the respondent.

3. At the outset, this Court is of the view that the disputed facts cannot be looked into at this stage and the same has to be decided only during the trial.

Hence, I do not find any merits in this petition.

4. Accordingly, this Criminal Original Petition is dismissed.

Consequently, connected miscellaneous petition is closed.

25-08-2025

Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

vrc

To

1. The XXV Metropolitan Magistrate,
Egmore, Chennai.

CRL OP No. 23435 of 2025

N.SATHISH KUMAR J.

VRC

CRL OP No. 23435 of 2025

25-08-2025