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CRL RC No. 2270 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-11-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL RC No. 2270 of 2025

AND

CRL MP NO. 20853 OF 2025, CRL MP NO. 20725 OF 2025, CRL MP NO. 20729 OF 2025, CRL RC NO. 2271 OF 2025, CRL RC NO. 2298 OF 2025

1. Priya Petro Products

Rep by its Proprietor G.Ravi having
office at No.106, Santhome High road,
Mullima Nagar, Santhome, Raja
Annamalai puram, Chennai-600 028

Petitioner(s)

Vs

1. Lube King

Rep by its proprietary, S.Sudharsan
No.11, 2nd Street, Krishna Nagar,
Pammal, Chennai

Respondent(s)

CRL RC No. 2271 of 2025

1. Priya Petro Products

Rep by its Proprietor G.Ravi having
office at No.106, Santhome High road,
Mullima Nagar, Santhome, Raja
Annamalai puram, Chennai-600 028

Petitioner(s)

Vs

1. Lube King

Rep by its proprietary, S.Sudharsan
No.11, 2nd Street, Krishna Nagar,
Pammal, Chennai



Respondent(s)

CRL RC No. 2298 of 2025

1. Priya Petro Products

Rep. by its Proprietor G.Ravi, having
office at No. 106, Santhome high Road,
Mullima Nagar, Santhome, Raja
Annamalai Puram, Chennai- 600 028.

Petitioner(s)

Vs

1. Lube King

Rep. by its Proprietor, S.Sudharsan, No.
11, 2nd Street, Krishna Nagar, Pammal,
Chennai.

Respondent(s)

CRL RC No. 2270 of 2025

PRAYER

To set aside the dismissal order dated 02.09.2025 passed in C.M.P.No.291 of 2025 in CC.No.88 of 2024 on the file of the Learned Judicial Magistrate, Pallavaram

CRL RC No. 2271 of 2025

PRAYER

To set aside the dismissal order dated 02.09.2025 passed in C.M.P.No.127 of 2025 in CC.No.87 of 2024 on the file of the Learned Judicial Magistrate, Pallavaram

CRL RC No. 2298 of 2025

PRAYER

To set aside the dismissal order dt. 02.09.2025 passed in C.M.P.No. 126/2025 in C.C.No. 89/2024 on the file of the Learned District Munsif cum Judicial Magistrate, Pallavaram and pass such further or other orders as this honble Court.

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For Petitioner : A.S. Murugan
For Respondent(s): A.Ganapatheeswaran
G.Simuram



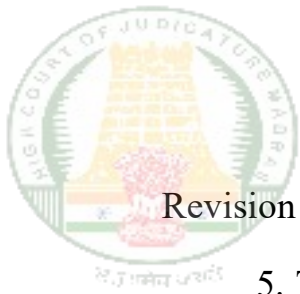
COMMON ORDER

Crl. R.C No. 2270 of 2025 has been filed to set aside the dismissal order dated 02.09.2025 passed in C.M.P.No.291 of 2025 in CC.No.88 of 2024 on the file of the Learned Judicial Magistrate, Pallavaram

2. Crl. R.C No. 2271 of 2025 has been filed to set aside the dismissal order dated 02.09.2025 passed in C.M.P.No.127 of 2025 in CC.No.87 of 2024 on the file of the Learned Judicial Magistrate, Pallavaram

3. Crl. R.C No. 2271 of 2025 has been filed to set aside the dismissal order dated 02.09.2025 passed in C.M.P.No. 126/2025 in C.C.No. 89/2024 on the file of the Learned District Munsif cum Judicial Magistrate, Pallavaram

4. The petitioner herein filed C.M.P.No.291 of 2025 in CC.No.88 of 2024, C.M.P.No.127 of 2025 in CC.No.87 of 2024 and C.M.P.No. 126/2025 in C.C.No. 89/2024 on the file of the Learned Judicial Magistrate, Pallavaram, seeking to discharge him from C.C No. 87 of 2024, C.C No. 88 of 2024 & C.C No. 89 of 2024 for the offence under Sections 138 & 142 of N.I Act. The reason stated by the petitioner for discharge is that the cheque relied by the complainant were stolen from the petitioner by the complainant to that effect the petitioner lodged a complaint before the police. Therefore, there is no legally enforceable debt payable by the petitioner. Hence, he prays to discharge from the case. On hearing both sides, the Trial Court held that discharge not maintainable in Summary cases. Accordingly, dismissed the petitions filed by the petitioner. Aggrieved over the same, the petitioner filed these Criminal



Revision Cases.

5. The learned counsel for the petitioner submits that before lodging the complaint against the petitioner, the petitioner has lodged a complaint for stolen cheques, which itself shows that there is no legally enforceable debt but the Trial Court has failed to take note of the above fact. Further, the complainant has unnecessarily initiated N.I proceedings in order to harass the petitioner. Hence, he prays to allow these cases.

6. The learned counsel for the complainant submits that there is legally enforceable debt between the petitioner and the complainant and the same was rightly observed by the Trial court. Further, he stated that the petitioner cannot seek discharge in summons case to that effect he relied the judgement of the Hon'ble Supreme Court in the case of Subramaniam Sethuraman Vs. State of Maharastra and anothers reported in (2004) 13 SCC 324:

17. As observed by us in [Adalat Prasad's](#) case the only remedy available to an aggrieved accused to challenge an order in an interlocutory stage is the extraordinary remedy under Section 482 of the Code and not by way of an application to recall the summons or to seek discharge which is not contemplated in the trial of a summons case.

18. The learned counsel for the appellant then sought leave of this Court to approach the High Court by way of 482 petition questioning the issuance of process by the Magistrate. The same was very strongly opposed by the learned counsel for the respondents who contended that the complaint in this case was filed as far back as 24th of December, 1996 and though there was a direction earlier for an early disposal of the trial, appellant and the other accused have successfully managed to keep the trial in abeyance by initiating one proceeding after the another even up to this Court. He submitted both this Court as well as the High Court in the earlier proceedings has left the question of validity of statutory notice to be considered at the trial but the accused persons including



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the appellant herein are time and again raising the same issue with a view to delay the trial, hence no such permission as sought for by the appellant should be granted. We see that this Court while dismissing earlier S.L.P. as withdrawn had left the question of legality of the notice open to be decided at the trial. Therefore, legitimately the appellant should raise this issue to be decided at the trial. Be that as it may, we cannot prevent an accused person from taking recourse to a remedy which is available in law. In [Adalat Prasad's](#) case we have held that for an aggrieved person the only course available to challenge the issuance of process under Section 204 of the Code is by way of a petition under Section 482 of the Code. Hence, while we do not grant any permission to the appellant to file a petition under Section 482, we cannot also deny him the statutory right available to him in law. However, taking into consideration the history of this case, we have no doubt the concerned court entertaining the application will also take into consideration the objections i.e. raised by the respondent in this case as to delay i.e. being caused by the entertainment of applications and petitions filed by the accused.

Hence, he prays to dismiss these Revision cases.

7. Heard the submission of the learned counsel for the petitioner and the respondent.

8. Considering the submissions on either side and also on perusal of records, the fact reveals that the petitioner has lodged a complaint that the cheques were stolen by the respondent but thereafter he has not pursued the same. Now, the respondent has initiated proceedings under Negotiable Instrument Act. If at all any defence available to the petitioner he can work out his remedy before the Trial court. Furthermore, as laid down by the Hon'ble Supreme Court in the case of *Subramaniam Sethuraman Vs. State of Maharastra and anothers reported in (2004) 13 SCC 324*, in summons case he cannot seek discharge. Hence, this Court does not find any reason to interfere with the orders passed by the Judicial Magistrate, Pallavaram. Accordingly, this Criminal Revision Cases are dismissed.



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25-11-2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

The Judicial Magistrate, Pallavaram.



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T.V.THAMILSELVI J.
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MP NO. 20729 OF
2025,CRL RC NO. 2271
OF 2025,CRL RC NO.
2298 OF 2025**

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