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CRL OP No. 2949 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-02-2026

CORAM

THE HON'BLE MR JUSTICE A.D.JAGADISH CHANDIRA

**CRL OP No. 2949 of 2026
and Crl.M.P.No.2038 of 2026**

1. M/s. HNS Chits Pvt Ltd., Rep by its Director
Mr. Surendranath,
No.159, Peters Road,
Gopalapuram,
Chennai-600 086.

2. R.J.Surendranath

..Petitioner(s)

Vs

Mrs. Renuka Agarwal
D/o. Mr. Rajesh Kumar Agarwal,
Rep. by her Power agent Rajesh Agarwal,
No.AB-47, Anna Nagar,
Chennai-40

..Respondent(s)

Criminal Original Petition is filed under Section 528 of B.N.S.S., to set aside the docket order dated 19.01.2026 in unnumbered Crl.M.P.No. of 2025 in S.T.C. No.2166 of 2022 passed by the Learned Metropolitan Magistrate, Fast Track Court-V, Saidapet and permit the Court to number the Petition filed U/s.254 of Cr.P.C to issue Summons to the respondent along with necessary relevant documents.

For Petitioner(s):

Mr.S.Thiruvengadam

For Respondent(s):

Mr.M.Santhanaraman

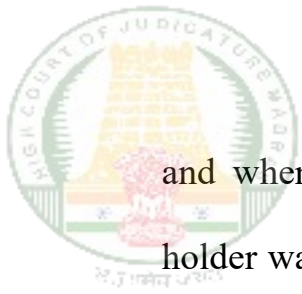


ORDER

This Criminal Original Petition has been filed seeking to set aside the docket order dated 19.01.2026 in unnumbered Crl.M.P.No. of 2025 in S.T.C. No.2166 of 2022 passed by the Learned Metropolitan Magistrate, Fast Track Court-V, Saidapet and to direct the learned Magistrate to number the Petition filed under Section 254 of Cr.P.C. for issuance of summons to the respondent along with the necessary relevant documents.

2. The petitioners are the accused facing trial in S.T.C.No.2166 of 2022 on the file of the Metropolitan Magistrate, Fast Track Court-V, Saidapet for the offences punishable under Section 138 of the Negotiable Instruments Act. The petitioners filed a petition under Section 254 Cr.P.C., seeking to summon the complainant for the purpose of cross-examination, since the Power of Attorney holder was unable to depose about the case in full. However, the learned Magistrate, without numbering the same, returned the petition by docket order dated 19.01.2026 stating that the petition is not maintainable. Challenging the same, the present petition has been filed.

3. The learned counsel for the petitioners submitted that the case is being conducted through a Power of Attorney holder. He further submitted that there are several chit transactions between the petitioners and the complainant



and when questions regarding the same were posed, the Power of Attorney holder was unable to explain the same. Therefore, the present petition was filed seeking to summon the complainant for effective cross-examination.

4. Mr.M.Santhanaraman, learned counsel for the respondent submitted that the case is of the year 2022 and the complaint was filed through a Power of Attorney holder. The Power of Attorney holder was examined as P.W.1 and cross-examined on 24.08.2023, 14.12.2023 and 11.03.2024. He further submitted that the arguments have been completed and the case stands posted for judgment. He also submitted that the petitioners, in their reply to the statutory notice, have not raised any ground or defence regarding chit transactions and thereby, there is no necessity to summon the complainant for the purpose of cross examining and the petition was filed at the fag end only to delay and protract the proceedings. According to the learned counsel, the present petition has been filed only to drag on the proceedings and the petition was rightly returned by the learned Magistrate on 19.01.2026.

5. This Court has considered the rival submissions and perused the materials placed on record.

6. The complaint was filed through a Power of Attorney holder, who has already been examined and cross-examined on several dates. After



arguments, the case is posted for judgment. The petition under Section 254 Cr.P.C. has been filed at the fag end of the trial to summon the complainant on the ground that certain questions could not be answered by the Power of Attorney holder. However, no such plea regarding chit transactions was raised in the reply to the statutory notice. Ergo, this Court is of the view that the petition is only an attempt to protract and delay the proceedings. Hence, the learned Magistrate was justified in returning the petition as not maintainable.

7. In view of the above, this Criminal Original Petition is dismissed. The docket order dated 19.01.2026 passed by the learned Metropolitan Magistrate, Fast Track Court-V, Saidapet, is upheld. The learned Magistrate is directed to proceed with the matter in S.T.C.No.2166 of 2022 and dispose of the same in accordance with law, as expeditiously as possible. Consequently, connected Miscellaneous Petition is closed.

09-02-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

VKR



To

- 1.The Metropolitan Magistrate,
Fast Track Court-V, Saidapet.
- 2.The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA, J.

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