



WEB COPY

CRL OP No. 6496 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-04-2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 6496 of 2026

S. Venkat Ramanujam

..Petitioner

Vs

Karthikeyan Jayavel
Authorized Officer,
M/s. Asset Reconstruction Company (India) Ltd.,
Branch Office at No., 1-G,
First Floor,
Century Plaza,
No. 560-562,
Anna Salai,
Teynampet,
Chennai - 600 018.

..Respondent

To set aside the docket order passed in unnumbered Crl.M.P.SR.No. 44517/2025 on 19.02.2026 by the learned Chief Metropolitan Magistrate, Egmore at Chennai and to issue direction to the Learned Chief Metropolitan Magistrate Court, Egmore at Chennai to number the complaint filed by the petitioner and to proceed with the complaint in accordance with law.

For Petitioner : Mr.M.Jaikumar

ORDER

This petition has been filed to set aside the docket order passed in unnumbered Crl.MP.SR44517 of 2025 dated 01.12.2025 by the learned Chief



Metropolitan Magistrate, Egmore at Chennai and to issue direction to the learned Chief Metropolitan Magistrate, Egmore to number the complaint filed by the petitioner and to proceed with the complaint in accordance with law.

2. The petitioner had filed Crl.MP.SR44517 of 2025 under Section 223 of BNSS for the offence committed under Section 229 of BNSS seeking to take complaint of the petitioner on file and on receipt of the same issue summons to the respondent.

3. The contention of the petitioner is that the respondent, namely, Asset Reconstruction Company (India) Limited had filed a false affidavit stating that there is no stay granted by any Court preventing the petitioner from taking steps under Section 13 of the Act. However, the Standard Chartered Bank had obtained interim injunction in respect of the subject property in I.A.No.320 of 2012 in OA.No.119 of 2011 dated 01.10.2012 before the Debt Recovery Tribunal, which is also reflected in the Encumbrance Certificate. This being so, the respondent obtained order of the learned Chief Metropolitan Magistrate in Crl.M.P.No.38304 of 2022 on 05.06.2023 giving false statement. Hence, to take the complaint on file, issue summon to the accused and to punish the accused for the above said offence, this petition has been filed.



4. The learned counsel further submitted that without considering the complaint of the petitioner on merits, the trial court had mechanically returned the petitioner's complaint on 01.12.2025. The complaint of the petitioner ought to have been considered and it is for the court to pass any orders after giving an opportunity to the petitioner.

5. This court finds force in the petitioner's submission and that, there is no order indicating the reason for which it has been returned.

6. In view of the above, the returning order passed on the scrutiny date i.e., on 01.12.2025 is set aside. The petitioner is directed to re-submit this petition or file a fresh petition before the learned Chief Metropolitan Magistrate, Egmore. Thereafter, the learned Chief Metropolitan Magistrate shall consider the petition on merits and pass appropriate orders. It is made clear that the petitioner to be heard and the order to be passed on merits.

7. With the above directions, this Criminal Original Petition is allowed.

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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No



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1.The Chief Metropolitan Magistrate,
Egmore, Chennai.

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