



Crl.O.P. No. 5301 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.03.2026

CORAM

THE HONOURABLE MR. JUSTICE M. NIRMAL KUMAR

Crl.O.P. No. 5301 of 2026

&

Crl.M.P. No. 4015 of 2026

Mr.D. Kumar

..Petitioner

Vs.

M/s. Chola mandalam Investment &
Finance Company Ltd.,
rep. by its Shortfall Collection Executive,
Mr. Vignesh PN.,
S/o. Nagesh PM,
Dare House, No.2, N.S.C. Bose Road,
Parrys, Chennai – 600 001.

..Respondent

Prayer: Criminal Original Petition filed under Section 528 of BNSS to call for the records in connection with the case in STC No. 123 of 2025 on the file of the Judicial Magistrate Court (Fast Track Court) at Poonamallee and quash the same.

For Petitioner

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Mr.A. Ramesh Manikandan



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ORDER

The petitioner/accused, who is facing trial for the offence under Section 138 of Negotiable Instruments Act in STC No. 123 of 2025 on the file of Judicial Magistrate (Fast Track Court) at Poonamallee has filed the present criminal original petition to quash the said proceedings.

2. The contention of the learned counsel for the petitioner is that the petitioner had availed vehicle loan from the respondent and as he was unable to pay the instalments in time, he surrendered the vehicle to the respondent. The respondent sold the vehicle for a sum of Rs.5,11,000/- and the petitioner had to pay a sum of Rs.3,25,733/- towards the balance to the vehicle loan . Hence, for the settlement of the loan amount, the petitioner issued a cheque for the said sum, which got dishonoured, resulting in 138 case. The learned counsel would further submit that simultaneously, the respondent initiated arbitration proceedings in ARC No. ARC/SICCI/VL/RPK/2589 of 2024 and on 02.05.2025, award was passed against the petitioner for an amount of Rs. 3,52,298/-. Hence, the petitioner's contention is that since the award passed in the arbitration proceedings, the cheque in the case under Section 138 of the Negotiable



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Instruments Act given as security while availing the loan has lost its relevance and it cannot be termed as cheque given towards discharge of any liability.

3. When the learned counsel for the petitioner was questioned whether the arbitral award complied with and amount paid, the learned counsel for the petitioner submitted award not complied with and no amount paid.

4. In view of the above, all grounds raised are factual and have to be decided only during trial. The documents in question will have to be confronted to the witnesses and marked. Hence, the criminal original petition stands dismissed. Connected miscellaneous petition is closed.

26.03.2026

nv

To
The Judicial Magistrate (FTC),
Poonamallee.



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M. NIRMAL KUMAR,J.

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