



WEB COPY

CRL OP No. 7043 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-03-2026

CORAM

THE HON'BLE MR JUSTICE G.K. ILANTHIRAIYAN

CRL OP No. 7043 of 2023

and

CRL MP Nos. 4401 & 4402 of 2023

S.P.Rajan
S/o Subramanian,
No.53/d/2,3, Burn Foot Ehins Road,
Udhagamandalam,
The Nilgiris - 643001

..Petitioner

Vs

M/s.HDFC Bank Ltd.,
Rep by its Authorised Signatory,
Retail Agri Redmedial Department,
NM Towers, 2nd Floor,
No.49/50, Nelson Manickam Road,
Aminjikarai, Chennai – 600029.

Branch Office at
Gt.Sree Gokulam Towers,
100 Feet Road, 7th Street,
Ganthipuram,
Now Rep By Mr.Vallippan,
Assistant Manager-rural,
S/o Subramanian

..Respondent

Prayer : Criminal Original Petition is filed under Section 482 of Code of Criminal Procedure, to call for the records and quash the STC No. 309 of 2022 on the file of the Fast Track Judicial Magistrate No.I Coimbatore.

For Petitioner:

Mr.D.Bhuvaneshwaran
for Mr.S.Jayaseelan



ORDER

WEB COPY This Criminal Original Petition has been filed to quash the proceedings in STC No.309 of 2022 on the file of the Fast Track Judicial Magistrate No.I, Coimbatore.

2. The petitioner is the accused in the complaint lodged by the respondent for the offence punishable under Section 138 of the Negotiable Instruments Act. It is alleged that the accused had approached the respondent sought for cash credit loan facility and in respect of the said loan, he submitted all necessary documents. Accordingly, the accused was provided with the cash credit loan facility and he had also promised to repay the equated monthly installments regularly. In order to repay the said amount, the accused issued a cheque for a sum of Rs.66,00,000/- dated 13.01.2022. When the said cheque was presented for collection, the same was returned dishonoured with the endorsement “Funds Insufficient”. After causing the statutory notice, the respondent initiated proceedings under Section 138 of the Negotiable Instruments Act and the same has been taken cognizance by the Trial Court.

3. The learned counsel appearing for the petitioner would submit that the respondent has not even stated the date on which the cheque was issued. Though the cheque was returned on 13.01.2022, the respondent failed to



mention the date of issuance of the cheque. It is further submitted that the case was pending from the year 2022, without commencement of trial. He also submitted that in order to collect the due amount, the respondent has initiated proceedings in two ways, i.e., one under the SARFAESI Act and the other under Section 138 of the Negotiable Instruments Act.

4. Heard the learned counsel appearing for the petitioner and perused the materials available on record.

5. A perusal of the records reveals that the petitioner had availed a cash credit loan facility from the respondent and had assured repayment of the loan through equated monthly installments. Accordingly, the petitioner issued a cheque for a sum of Rs.66,00,000/- on 13.01.2022. However, when the said cheque was presented for collection, it was dishonoured with the endorsement “Funds Insufficient”. Immediately, thereafter, the respondent caused a statutory notice as contemplated under Section 138 of the Negotiable Instruments Act. On receipt of the said notice, the petitioner did not even any reply and straight away filed the present petition seeking to quash the entire proceedings.

6. Further, the trial has not commenced mainly due to the pendency of the present petition filed by the petitioner. That apart, the pendency of the



trial is not a ground to quash the entire proceedings. The contention of the petitioner that the respondent has not mentioned the exact date of issuance of the cheque cannot be a ground to quash the complaint. Further, the respondent can very well proceed as against the petitioner under Section 138 of the Negotiable Instruments Act as well as under the SARFAESI Act. The proceedings under Section 138 of the Negotiable Instruments Act is only to punish the petitioner for dishonour, whereas the proceedings under the SARFAESI Act are initiated for recovery of the amount due. Therefore, both proceedings can very well continue simultaneously.

7. In view of the above, this Court finds no grounds to quash the entire proceedings in STC No.309 of 2022 on the file of the Fast Track Judicial Magistrate No.I, Coimbatore and the same is liable to be dismissed. Accordingly, this Criminal Original Petition stands dismissed. However, the Trial Court is directed to complete the trial within a period of three months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petitions are closed.

10-03-2026

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

LPP



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To

The Fast Track Judicial Magistrate No.I,
Coimbatore.



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G.K.ILANTHIRAIYAN J.

LPP

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