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*Crl.O.P.No.9333 of 2023*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.03.2026

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.9333 of 2023 and  
Crl.MP.Nos.6086 & 6087 of 2023

1.M/S.SANT DNYANESHWAR FARMERS PRODUCER COMPANY  
LTD REP BY ITS CHAIRMAN, PANJABRAO AVACHAR,  
KINKHEDA, TQ-RISOD, SIST WASHIM,  
MAHARASTRA STATE 444 506, India

2.PANJABRAO AVACHAR

3.AAKATRA SARNAIK ... Petitioners

Vs.

M/S SAMUNNATI FINANCIAL INTERMEDIATION AND SERVICES  
Private LIMITED,  
REP BY ITS CONSULTANT/POWER AGENT M.KANNAN,  
BAID HI TECH PARK, NO.129-B, 8TH FLOOR, EAST COAST  
ROAD, THIRUVANMIYUR, CHENNAI 600041 ... Respondent

**Prayer:** Criminal Original petition filed under Section 482 of Cr.P.C.  
praying to call for the records pertaining to the proceedings in  
STC.No.288 of 2022 on the file of the Learned V Fast Track Metropolitan  
Magistrate Court at Saidapet, Chennai and quash the same.

For Petitioners : Ms.Sathya Priya  
for Mr.S.Ramajayam

For Respondent : Mr.Rukmani Venugopalan



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## **ORDER**

This criminal original petition has been filed praying to quash the proceedings in STC.No.288 of 2022 on the file of the Learned V Fast Track Metropolitan Magistrate Court at Saidapet, Chennai

2. The petitioners are the accused in the complaint lodged by the respondent for the offence punishable under Section 138 of NI Act on the allegation that the accused approached the respondent for short term loan to the tune of Rs.50,00,000/-. It was considered and loan was sanctioned on certain terms and conditions. After availing loan, the accused failed to repay the loan amount. Even after repeated request, finally towards discharge of partial liability, the petitioners issued cheque for a sum of Rs.89,06,120/- It was presented for collection. However, it was returned dishonoured for the reason ‘ funds insufficient’. After causing statutory notice, the respondent lodged complaint and the same has been taken cognizance by the trial court.

3. It is the submission of learned counsel for the petitioners that even before presenting the cheque for collection, the petitioners had settled the entire loan amount. He also produced the statement of



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accounts before this Court.

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4. However, the said document cannot be tested here and it requires evidence to prove the same before the trial court. Further, statutory notice was also returned with endorsement 'refused to receive'. Therefore, whatever the payment made by the petitioners even before presenting the cheque for collection, the petitioners have to prove the same before the trial court by letting in evidence. Hence, the said ground raised by the learned counsel for the petitioners cannot be considered to quash the impugned complaint.

5. Therefore, this criminal original petition is dismissed. Consequently, connected miscellaneous petitions are closed.

26.03.2026

Index : Yes/No  
Neutral citation : Yes/No  
Speaking/non-speaking order  
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**G.K.ILANTHIRAIYAN, J.**

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To

V Fast Track Metropolitan Magistrate Court at Saidapet, Chennai

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