

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Cr1.) No(s).8072/2025

[Arising out of impugned final judgment and order dated 10-03-2025 in CRLP No.2091/2023 passed by the High Court of Judicature at Madras]

KAMAL KUMAR NAGARMAL AGARWAL

Petitioner(s)

VERSUS

M/S KOTAK MAHINDRA BANK LIMITED

Respondent(s)

(IA No. 133120/2025 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 28-05-2025 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE DIPANKAR DATTA

For Petitioner(s) Mr. Ashish Aggarwal, Adv.
Ms. Ankita Sarangi, AOR
Mr. Himanshu Singh, Adv.
Mr. Rahul Malik, Adv.

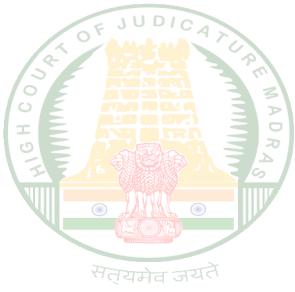
For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

1. Heard learned counsel for the petitioner.
2. No case to interfere with the impugned order dated 10.03.2025, passed by the High Court of Judicature at Madras, is made out.
3. The Special Leave Petition is, accordingly, dismissed.

(SATISH KUMAR YADAV)
ADDITIONAL REGISTRAR

(PREETHI T.C.)
ASSISTANT REGISTRAR



CrI.O.P.No.2091 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.03.2025

CORAM:

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

CrI.O.P.No. 2091 of 2023

and

CrI.M.P.Nos.1204 & 1205 of 2023

Kamal Kumar Nagarmal Agarwal Petitioner

Vs

M/s. Kotak Mahindra Bank Limited
Registered Office at
No.27 BKC, C 27, G Block,
Bandra Kurla Complex, Bandra (East),
Mumbai 400051.

Having Branch Office at
Samson Towers, 4th Floor,
402 & 403, Pantheon Road,
Egmore, Chennai – 600008. Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Code of Criminal Procedure, to call for the records in C.C.No.1330 of 2020 pending on the file of the Learned FTC-IV, Metropolitan Magistrate, George Town, Chennai and quash the same.

For Petitioner : Mr.R.Palaniandavan

For Respondent : E.K.Kumaresan

ORDER

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Crl.O.P.No.2091 of 2023

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This Criminal Original Petition has been filed to quash the proceedings in C.C.No.1330 of 2020 on the file of the learned Metropolitan Magistrate, Fast Track Court-IV, George Town, Chennai, thereby taken cognizance for the offence under Section 138 of the Negotiable Instruments Act, 1881.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. It is seen that a warrant is pending as against the petitioner and as such, the petitioner is not entitled for any relief at this stage.

4. In view of the above, this Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petitions are closed.

10.03.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
Lpp

To

The Metropolitan Magistrate,
Fast Track Court No.IV,
George Town, Chennai.



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CrI.O.P.No.2091 of 2023

G.K.ILANTHIRAIYAN, J.

Lpp

CrI.O.P.No.2091 of 2023

10.03.2025



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Crl.O.P.No.2091 of 2023

Crl.O.P.No.2091 of 2023
Crl.M.P.Nos.1204 & 1205 of 2023

G. CHANDRASEKHARAN, J.

Interim order already granted by
this Court is extended till then.

2.Post the matter after two weeks.

17.04.2023

ep



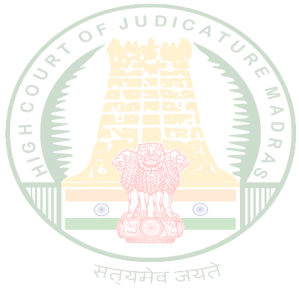
CrI.O.P.No.2091 of 2023
and
CrI.M.P.Nos.1204 & 1205 of 2023

WEB COPY

G. CHANDRASEKHARAN, J.

This petition is filed to call for the records in C.C.No.1330 of 2020 pending on the file of the learned Fast Track IV Metropolitan Magistrate Court at George Town, Chennai and quash the same.

2. The learned counsel for the petitioner submitted that the respondent instituted a case under Section 138 of Negotiable Instruments Act on the basis of the cheque issued by the petitioner on 09.10.2019 for a sum of Rs.6 Crores, drawn at Kotak Mahindra Bank Limited, Center Point, Andheri Kurla Road, Opp.RPG Tower, Andheri (E) Mumbai 400 059. He further submitted that petitioner is not a principal borrower, he was directed to stand as a guarantor for the loan borrowed by M/s.Supreme Transport Organisation Pvt Ltd from the respondent bank. In a proceedings initiated before the Debts Recovery Tribunal -II, Dehli, Supreme Transport Organisation paid excess of loan amount. Therefore, application was filed in NDN.No.939 of 2021 for return of the excess amount paid. That petition was allowed in favour of M/s.Supreme Transport Organisation Pvt Ltd. In the said circumstances, learned counsel for petitioner submitted that, in view of excess amount paid for the loan amount, the case in C.C.No.1330 of 2020 is not appropriate.



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G. CHANDRASEKHARAN, J.

Sma

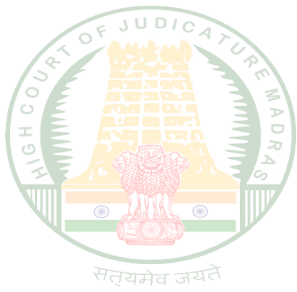
3. In the light of the submission made by the learned counsel for the petitioner, this Court orders notice to the respondent returnable in six weeks time.

4. Post the matter after six weeks. There shall be an order of interim stay of further proceedings in C.C.No.1330 of 2020. Personal appearance of the petitioner is dispensed with till then.

03.02.2023

sma

CrI.O.P.No.2091 of 2023
and
CrI.M.P.Nos.1204 & 1205 of 2023



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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.06.2021

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.6835 of 2021
and CrI.M.P.Nos.4531 & 4532 of 2021

Kamal Nagarmal Agarwal ... Petitioner

Vs.

Kotak Mahindra Bank Limited,
Represented by Chief Manager, Mr.A.Senthilkumar,
Registered office at:
27 BKC. C 27, G Block,
Bandra Kurla Complex, Bandra (East),
Mumbai - 400 051 and
Having one of its branch office at:
Samson Towers, 4th Floor,
402 & 403, Pantheon Road,
Egmore, Chennai - 600 008.

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records in C.C.No.1330 of 2020, pending on the file of the Fast Track Court IV, Metropolitan Magistrate Court at George Town, Chennai and quash the same.

For Petitioner : Mr.Thriyambak J. Kannan

O R D E R

The learned counsel for the petitioner seeks permission of this Court to withdraw the Criminal Original Petition and seeks liberty.

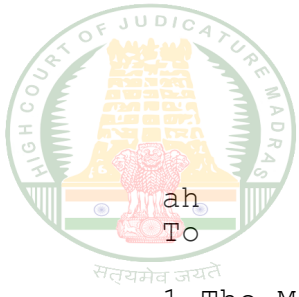
2.Recording the submission made by the learned counsel for the petitioner, this Criminal Original Petition stands dismissed as withdrawn with liberty to the petitioner to raise all the points only during the trial. Consequently, the connected miscellaneous petitions are closed.

s/d-

Assistant Registrar (CS-VIII)

True Copy

Sub-Assistant Registrar



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To

1.The Metropolitan Magistrate,
Fast Track Court IV, Metropolitan Magistrate Court,
George Town, Chennai

2.The Public Prosecutor,
High Court,
Madras.

+1 CC to Mr.Thriyambak J. Kannan, Advocate sr 29258.

Crl.O.P.No.6835 of 2021
and Crl.M.P.Nos.4531 & 4532 of 2021

PL(CO)
SP(22/07/2021)