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**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**Dated : 24.11.2025**

**Coram:**

**The Honourable Mrs.Justice T.V.THAMILSELVI**

**Crl.R.C.No.2213 of 2024  
and Crl.M.P.Nos.17330 & 17331 of 2024**

Mrs.R.Renuga

...Petitioner

Versus

R.Narendiran

...Respondent

This Criminal Revision Case is filed under Sections 397 r/w. 401 of Cr.P.C praying to call for the records and set aside the order dated 03.10.2024 passed in Crl.M.P.No.49426 of 2024 in S.T.C.No.3108 of 2023 on the file of learned XXV Metropolitan Magistrate Court, Egmore, Chennai – 08 pending disposal of the above Crl.R.C.

For Petitioner : Mr.V.T.Narendiran

**ORDER**

This Criminal Revision Case has been filed by the petitioner seeking to set aside the Order dated 03.10.2024 in Crl.M.P.No.49426 of 2024 in S.T.C.No.3108 of 2023 passed by the learned XXV Metropolitan Magistrate, Egmore, Chennai.



2. The brief facts of the case are that petitioner/accused had obtained a sum of Rs.8,00,000/- as loan from the respondent/complainant in the month of April, 2022. At the time of obtaining the said loan, petitioner/accused had assured that she would repay the loan amount together with interest at the rate of 18% per annum within 1 year and that apart, petitioner/accused had executed a Promissory Note dated 11.04.2022 in favour of respondent/complainant. After obtaining the loan, petitioner/accused had paid Rs.24,000/- as interest to the respondent/complainant for two months i.e., till June, 2022. Thereafter, petitioner/accused did not pay any interest and she committed default. Hence, respondent/complainant had started demanding the petitioner/accused to repay the loan amount with interest. After repeated requests made by the respondent/complainant, petitioner/accused had issued a Cheque bearing No.066820 dated 02.03.2023 for a sum of Rs.9,00,000/- to respondent/complainant. On 04.03.2023, respondent/complainant presented the said cheque for encashment, but, the same was returned unpaid for the reason, "Account Closed", pursuant to which, respondent/complainant had issued a Legal Notice dated 24.03.2023 to petitioner/accused calling upon her to pay the cheque amount. However, the legal notice sent to the



petitioner/accused had been returned unserved on 29.03.2023. Therefore, respondent/complainant had preferred a complaint against the petitioner/accused for the offence under Section 138 of the Negotiable Instruments Act, 1881. The Court of XXV Metropolitan Magistrate, Egmore, Chennai had taken the said complaint on file in S.T.C.No.3108 of 2023. While the case in S.T.C.No.3108 of 2023 is pending, petitioner/accused had filed a petition in Crl.M.P.No.49426 of 2024 in S.T.C.No.3108 of 2023 praying to obtain her specimen signatures and send it to the handwriting expert along with Exhibit P1 (Cheque) for their comparison. However, the learned XXV Metropolitan Magistrate, Egmore, Chennai vide Order dated 03.10.2024, dismissed the said petition. Hence, petitioner/accused has filed the present Criminal Revision Case.

3. The learned counsel for petitioner/accused submitted that the cheque in question was not signed by the petitioner/accused. The respondent/complainant had voluntarily filled up the cheque in his own handwriting and signed the same. Hence, it is necessary to establish the fact that cheque in question was a blank cheque and the same was filled up by the respondent/complainant. However, without considering all these



aspects, the learned Metropolitan Magistrate has dismissed the petition filed by the petitioner/accused on the ground that petitioner/accused had filed the petition belatedly at the end of trial only to drag on the proceedings. Therefore, the learned counsel prayed that the impugned order passed by the learned Metropolitan Magistrate may be set aside.

4. Heard the learned counsel for petitioner/accused. There is no representation on behalf of respondent/complainant.

5. From a perusal of the records, it is seen that petitioner/accused had borrowed a sum of Rs.8,00,000/- from respondent/complainant. After the receipt of said loan, when respondent/complainant repeatedly requested the petitioner/accused to repay the loan amount, petitioner/accused had issued a cheque for a sum of Rs.9,00,000/- to the respondent/complainant. When the respondent/complainant presented the said cheque for encashment, the same was returned unpaid for the reason, "Account Closed". Hence, respondent/complainant had issued a Legal Notice to petitioner/accused calling upon her to pay the cheque amount, but, the legal notice sent to the petitioner/accused has been returned unserved. Therefore,



respondent/complainant had lodged a complaint against the petitioner/accused for the offence under Section 138 of the Negotiable Instruments Act, 1881 which was taken as a case in S.T.C.No.3108 of 2023 on the file of XXV Metropolitan Magistrate Court, Egmore, Chennai. During the pendency of said case, petitioner/accused had filed a petition seeking to obtain her specimen signatures and send it to the handwriting expert along with Exhibit P1 (Cheque) for their comparison, but, the said petition came to be dismissed on 03.10.2024. Aggrieved over the same, petitioner/accused has filed this Criminal Revision Case.

6. According to the petitioner/accused, the cheque in question was a blank cheque and the same was filled up by the respondent/complainant. Therefore, in order to prove the same, petitioner/accused had filed a petition praying to obtain her specimen signatures and send it to the handwriting expert along with Exhibit P1 (Cheque) for their comparison.

7. Considering the above facts and circumstances of the case and having regard to the submissions made by the learned counsel for petitioner/accused, this Court is inclined to set aside the impugned order



passed by the learned Metropolitan Magistrate. Accordingly, Order dated 03.10.2024 in CrI.M.P.No.49426 of 2024 in S.T.C.No.3108 of 2023 passed by the learned XXV Metropolitan Magistrate, Egmore, Chennai is set aside.

8. Liberty is granted to the petitioner/accused to file a fresh application before the Trial Court for the very same relief which she sought in CrI.M.P.No.49426 of 2024 in S.T.C.No.3108 of 2023. On filing of such application by the petitioner/accused, the Trial Court shall consider the same and pass orders on merits and in accordance with law, as expeditiously as possible.

9. This Criminal Revision Case is disposed of with the above observations. Consequently, connected miscellaneous petitions are closed.

**24.11.2025**

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Index: Yes/No

Speaking Order (or) Non-Speaking Order



To  
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1. The XXV Metropolitan Magistrate,  
Egmore, Chennai.
2. The Public Prosecutor,  
High Court, Madras.



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**T.V.THAMILSELVI, J.**

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Crl.R.C.No.2213 of 2024

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