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CRL OP No. 6007 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-03-2026

CORAM

THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 6007 of 2026

&

CrI.M.P. No. 4424 of 2026

1. Shanmuga Depot
A Proprietorship Firm,
Rep.by its Proprietor, R.Natarajan,
S/o.Rajagopal,
No.25, Villivakkam Road,
Lakshmipuram, Chennai-600 099.

2. R.Natarajan
S/o.Rajagopal, Proprietor of
M/s.Shanmuga Depot, No.25,
Villivakkam Road, Lakshmipuram,
Chennai-600 099.

Petitioner(s)

Vs

M/s.Madurai Meenakshi Enterprises
Rep.by its Power of Attorney,
D.Satheesh,
S/o.Dillibabu,
New No.4, Old No.181,
Kodambakkam High Road,
Nungambakkam,
Chennai-600 034.



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Respondent(s)

PRAYER

Criminal Original Petition filed under Section 528 of BNSS to set aside the order dated 22.01.2026 passed in Crl.MP.No.1190 of 2026 in STC No.13536 of 2025 on the file of the Learned XXXV Metropolitan Magistrate Court (Fast Track Court-II), Egmore at Allikulam, Chennai.

For Petitioner(s): Mr.K. Shivakumar

For Respondent(s): Mr. F. John Joseph

ORDER

The petitioners/accused facing trial for the offence under Section 138 of the Negotiable Instruments Act in STC No. 13536 of 2025 on the file of the XXXV Metropolitan Magistrate Court (Fast Track Court No.II), Egmore at Allikulam, Chennai have filed the present quash petition challenging the dismissal of their petition under Section 311 Cr.P.C. in Crl.M.P. No. 1190 of 2025 by order dated 22.01.2026.

2. The contention of the petitioners is that dismissing the petition under Section 311 Cr.P.C./348 BNSS by the impugned order is not proper. The petitioners ought to have been allowed to recall P.W.1 for cross-examination, since the petitioners, though had cross-examined the



respondent on 15.12.2025, the same could not be completed and thereafter, the case was posted on 16.12.2025 on which date, the learned counsel for the petitioners, as he was engaged in High Court, could not reach the Trial Court in time and by the time, he reached, the Trial Court had closed the cross-examined and posted the case to 05.01.2026. Hence, the petition under Section 311 Cr.P.C. was filed, which came to be dismissed by the impugned order.

3. Learned counsel for the respondent submitted that subsequent to the dismissal of Crl.M.P. No. 1190 of 2025, the petitioners had again filed a petition under Section 311 Cr.P.C. on 06.03.2026; the respondent had given no objection and the case is posted for cross-examination of the respondent on 17.03.2026; on 17.03.2026, the respondent would be ready for cross-examination.

4. However, learned counsel for the petitioners would submit that though the respondent states that the cross-examination is posted to 17.03.2026, the adjudication shows otherwise as if the case is posted for arguments.



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5. Learned counsel for the respondent clarified that though the adjudication may not project what actually transpired before the Trial Court , the Trial Court had clearly stated that the cross-examination of the respondent would be made on 17.03.2026. This impugned order passed is prior to the subsequent development which happened in this case.

6. Considered the submissions and perused the materials on record.

7. It is seen that the respondent/complainant is ready for cross-examination tomorrow i.e., on 17.03.2026 and the petitioners are also ready to cross-examine the complainant on 17.03.2026 without fail.

8. Recording the same, this criminal original petition stands disposed of. Connected miscellaneous petition is closed.

16-03-2026

Neutral Citation: Yes/No
nv



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To

1. The XXXV Metropolitan Magistrate,
Fast Track Court No.II, Egmore @
Allikulam, Chennai.
2. M/s.Madurai Meenakshi Enterprises
Rep.by its Power of Attorney,
D.Satheesh, S/o.Dillibabu,
New No.4, Old No.181,
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M.NIRMAL KUMAR J.

nv

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