



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-07-2026

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

**CRL OP No. 17536 of 2026 and
Crl.M.P.No.11714 of 2026**

Sathya Bharathi Raja
S/o.R.E.Parthiban,
No.1, Main Road,
Unamancherry,
Vandaloor TK,
Chengalpattu District.
Pin Code - 600127.

..Petitioner(s)

Vs

M.Sakthivel
S/o.Manickam,
Plot No.78, Door No.673/4,
Madhanapuri Nagar,
Kolapakkam,
Vandaloor Taluk,
Chengalpattu District - 600 127.

..Respondent(s)

Prayer: This petition is filed under section 528 of BNSS, 2023 to call for the records in STC.No.408 of 2025 by the Learned Judicial Magistrate NO.1, Tambaram and Quash the same.

For Petitioner(s):

Mr. M.Anandaraj

ORDER

This Criminal Original Petition has been filed seeking to quash the private complaint in S.T.C.No.408 of 2025 by the learned Judicial Magistrate No.I, Tambaram, preferred for an offence under Section 138 and Section 142 of the Negotiable Instruments Act.

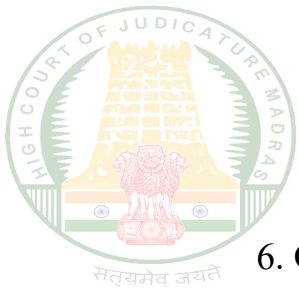


2. The prayer sought for in this Criminal Original Petition is innocuous in nature. In view of the final order to be passed in this petition at the admission stage itself, no prejudice would be caused to the respondent and hence, notice to the respondent is dispensed with

3. The learned counsel appearing for the petitioner seeks quashing of the complaint on the ground that it is the case of the complainant himself that the amount is due with reference to execution of a cancellation of a mortgage deed; that since the petitioner has already paid the mortgage amount through a separate Demand Draft, which is explicitly recorded in the respective cancellation of mortgage deed, there exists no legally enforceable debt or liability for the complainant to maintain the said complaint.

4. The learned counsel further submitted that a comparison of the serial number of the subject cheque with the statement of accounts produced by the complainant as well as other banking statements, reveals that several subsequent cheques from the same series had already been issued and there is no possibility for the petitioner to have issued the subject cheque on the date alleged. Consequently, the complaint is a clear abuse of the process of law.

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



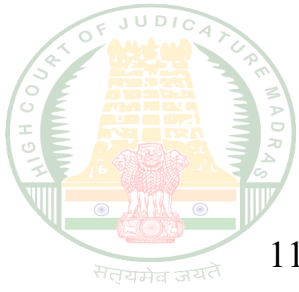
6. On a perusal of the entire complaint, it is observed that the complainant has alleged multiple liabilities. In paragraph 8 of the complaint, it is specifically averred that after the mortgage amount was paid through the Demand Draft, the subject cheque was not issued towards the remaining balance amount. Therefore, the question as to whether there exists any other liability or whether the transactions were confined strictly to the mortgage amount, are purely factual issues that must be established during the course of the trial.

7. Similarly, the contention regarding the serial number of the cheque is a matter of evidence to be evaluated by the Trial Court after considering the attendant facts and circumstances

8. All the grounds raised by the learned counsel for the petitioner are matters for trial and do not constitute valid grounds for this Court to exercise its inherent jurisdiction to quash the proceedings.

9. In view of the above, this Criminal Original Petition stands disposed of. Connected miscellaneous petition is closed.

10. At this juncture, the learned counsel for the petitioner sought for dispensing with the appearance of the petitioner for every hearing.



11. In view thereof, the personal appearance of the petitioner before the learned Judicial Magistrate No.I, Tambaram, is dispensed with, except for those hearings where his appearance is specifically insisted upon by the Trial Court.

08-07-2026

Neutral Citation: Yes/No

SMN
To.

1. The Learned Judicial Magistrate NO.1, Tambaram
2. The Public Prosecutor, High Court, Madras



WEB COPY

CRL OP No. 17536 of 2



D.BHARATHA CHAKRAVARTHY, J.

SMN

**CRL OP No. 17536 of 2026 and
Crl.M.P.No.11714 of 2026**

08-07-2026