



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-07-2026

CORAM

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THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

CRL OP No. 18703 of 2026

1. A.K.Industries
Rep by its Proprietor,
S.Anbu,S/o.Subramaniyan,
Aged about 47 years,
68, Vellalar Street (A),
Achi Street, Kilayanambakkam,
Chennai - 600 095.
2. S.Anbu
S/o.Subramaniyan,
A.K.Industries,
68, Vellalar Street (A) Achi Street,
Kilayanambakkam, Chennai - 600 095.

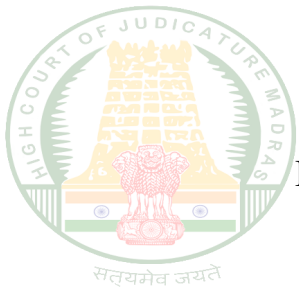
..Petitioner(s)

Vs

M/s. Genuine Industrial Protectors
Rep by its Proprietor,
Mr.K.Vijaya Kumar,
S/o.Krishnan,
No.97-A, M.T.H.Road,
Mannurpet, Chennai - 600 050.

..Respondent(s)

Prayer: This Criminal Original Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, praying to call for the records in STC.No.43 of 2022 on the file of the Fast Track Court (Magistrate Level) at Ambattur and quash the examination in Chief and Cross examination in Chief of the accused's side witnesses of DW1, DW2, DW3 dated 04.05.2026 and further direct Hon'ble Magistrate Court to permit the accused's counsel to put questions to the witnesses in the examination in Chief and grant other or further order or directions.



For Petitioner(s):

Mr.N.Sivakumar

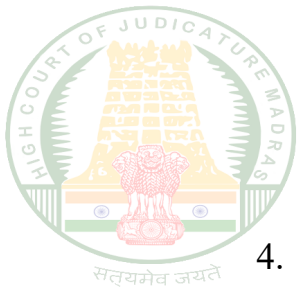
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ORDER

This Criminal Original Petition has been filed seeking to quash the examination-in-Chief and Cross-examination of the defence witnesses, namely, DW1, DW2 and DW3 recorded on 04.05.2026. The grievance of the petitioner is that he was not permitted to put questions to the witnesses and that the learned Presiding Officer himself put only one question and thereafter permitted the opposite party to cross-examine the witnesses. It is further submitted that DW4 and DW5, namely the petitioner and his brother, are yet to be examined and that they alone are aware of the transactions in question.

2. I have considered the submissions made by the learned counsel for the petitioner and perused the materials available on record.

3. The case arises out of a complaint filed for an offence under Section 138 of the Negotiable Instruments Act, 1881. The case of the complainant is that the accused had borrowed money and towards discharge of the liability, including principal and interest, issued the cheque in question. Since the amount was not paid even after issuance of the statutory notice, the complaint came to be filed.



4. The defence of the accused is that no money was borrowed from the complainant and that the cheque is being misused by the complainant. In support of the defence, the accused examined his wife and children, who were residing in the house, to establish that the signature found in the acknowledgment card does not belong to any of them. In that context, only a limited answer has been recorded from the said witnesses. Therefore, the grievance of the petitioner that he was not permitted to put further questions to those witnesses cannot be accepted.

5. Insofar as DW4 and DW5 are concerned, namely the petitioner and his brother, who are stated to be aware of the transactions in question the petitioner as well as his counsel shall be permitted by the learned Trial Court to put all relevant questions during their examination, subject to relevancy to the case.

6. With the above observations, this Criminal Original Petition stands disposed of.

7. It is made clear that, on account of the pendency of the present Criminal Original Petition, the petitioner could not produce the witnesses and the Trial Court has consequently closed the defence evidence. The petitioner is at liberty to file an appropriate application to reopen the defence evidence,



keeping DW4 and DW5 present before the Trial Court on the date of filing such application. Upon such application being filed, the Trial Court shall consider the same on its own merits and afford an opportunity to the petitioner to examine DW4 and DW5 in accordance with law.

16-07-2026

Neutral Citation: Yes/No

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To

The Fast Track Court (Magistrate Level), Ambattur.



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D. BHARATHA CHAKRAVARTHY, J.

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