



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-07-2026

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.O.P.No. 17236 of 2026

and

Crl.M.P.Nos.11493 and 11494 of 2026

1.Hakkim
S/o. Shakul,
23A, Thirumoorthy Nagar,
Kuniyamuthur Post,
Kuniyamuthur, Coimbatore,
Tamil Nadu - 641 008.

2.Hashina
W/o.Hakkim,
23A, Thirumoorthy Nagar,
Kuniyamuthur Post,
Kuniyamuthur, Coimbatore,
Tamil Nadu - 641 008.

..Petitioner(s)

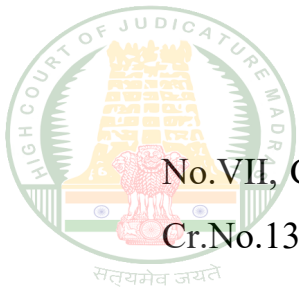
Vs

1.State represented by
The Inspector of Police,
Kuniyamuthur Police Station,
Coimbatore City PS.

2.Priya
W/o. Udhaya,
Door No.55, Sathya Nagar,
P.K.Pudur, Kuniyamuthur Post,
Coimbatore.

..Respondent(s)

Prayer: This Criminal Original Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records pertaining to the proceedings in CC.No.1287 of 2022, on the file of the Judicial Magistrate



No.VII, Coimbatore, in pursuance of the First Information Report registered in Cr.No.1322 of 2020, on the file of the Respondent.

WEB COPY

For Petitioner(s): Mr.O.S.Thilak Pasumbadiyar

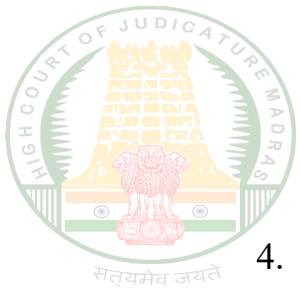
For Respondent(s): Mr.M.Mohamed Riyaz
Government Advocate (Criminal Side)

ORDER

This Criminal Original Petition has been filed to quash the Final Report and all further proceedings in C.C.No.1287 of 2022 on the file of the Judicial Magistrate - VII, Coimbatore.

2. The gist of the allegations in the instant case is that the Petitioners, being the accused, had borrowed money on various dates from the defacto complainant and in repayment thereof, they issued a cheque for a total sum of Rs.3,20,000/-, and the same being presented for collection, returned dishonoured.

3. The contention of the learned counsel for the Petitioners is that borrowal is of the year 2017, and the cheque was issued in the year 2020 and got dishonoured, almost 3 years after the dishonour of cheque, the present complaint was filed.



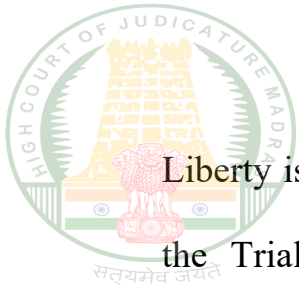
4. The learned counsel for the Petitioners further submits that the transaction is civil in nature and the period of loan transaction is also barred by limitation.

5. I have considered the submissions made by the learned counsel for the Petitioners and the learned Government Advocate for the 1st Respondent.

6. When it is not the case that separate proceedings under Section 138 of Negotiable Instruments Act have been taken, then it will be open for the 2nd Respondent to file a complaint under Section 420 of the Indian Penal Code. The pleadings made are factual in nature and are to be taken up only during the course of the Trial.

7. At this juncture, the learned Counsel for the Petitioners submits that in view of the grave hardship involved, the presence of the Petitioners before the Trial Court shall stand dispensed with. Considering the plea made, the personal appearance of the Petitioners before the Trial Court, except for the hearings that may be insisted upon by the Trial Court, shall stand dispensed with.

8. In view thereof, the prayer in the Criminal Original Petition cannot be countenanced. Therefore, this Criminal Original Petition stands disposed of.



Liberty is granted to the Petitioner to raise all the grounds during the course of the Trial. Consequently, connected Criminal Miscellaneous Petitions are closed.

06-07-2026

Neutral Citation: Yes/No
jas

To

1.The Judicial Magistrate – VII, Coimbatore.

2.The Inspector of Police,
Kuniyamuthur Police Station,
Coimbatore City PS.

3.The Public Prosecutor,
Madras High Court.



WEB COPY

CRL OP No. 17236 of 2



D.BHARATHA CHAKRAVARTHY, J.

jas

**Crl.O.P.No. 17236 of 2026
and
Crl.M.P.Nos.11493 and 11494 of 2026**

06-07-2026