



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-07-2026

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

CRL OP No. 17510 of 2026

and

CRL.MP.No.11675 of 2026

Nishanth
S/o.Gnanasubramaniam,
S.F.No.83/3A, Annapuram School Road,
Malumichampatti, Coimbatore - 641 050.

..Petitioner(s)

Vs

B.Navakkarasu
S/o.Balasubramaniam,
Rayar Kalvi Nilayam,
VOC Street,
Avinashi,
Tiruppur - 641 654.

..Respondent(s)

Prayer: This Criminal Original Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, praying to set aside the order passed in C.M.P.No.428 of 2026 in STC.No.1215 of 2022 dated 22.06.2026 by the Learned District Munsif Cum Judicial Magistrate at Madukkarai and to reopen the complainant side evidence and to recall PW and to permit marking relevant supporting documents in the above case.

For Petitioner(s):

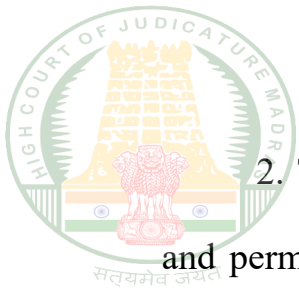
Mr.R.Sanjay

For Respondent(s):

Mr.K.S.Karthik Raja

ORDER

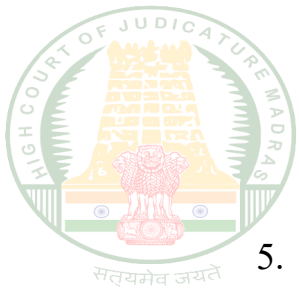
This Criminal Original Petition has been filed challenging the order dated 22.06.2026 passed in C.M.P.No.428 of 2026 in STC.No.1215 of 2022.



2. The applications in question were filed seeking reopening of the case and permission to amend the complaint. The complaint is a private complaint filed alleging the commission of an offence under Section 138 of the Negotiable Instruments Act, 1881. The case of the complainant is that he is the proprietor of a concern known as City Fab Tech and that the cheque in question was issued by the accused in favour of the said proprietorship concern. It is further stated that the amount was advanced from the account of a private limited company, in which the complainant is one of the Directors.

3. It is seen that the trial has already been completed and the matter has been posted for arguments after the examination of the defence witnesses. At this stage, the present applications have been filed contending that there is an erroneous description of the company as if it is a firm, in the complaint and therefore, the complainant seeks permission to amend the complaint.

4. Though mistakes of this nature can, in appropriate cases, be permitted to be corrected, the facts of the present case do not warrant such permission. It is seen that the accused have summoned the Registrar of Companies and have already examined a witness to establish that no such company exists. Even otherwise, it was open to the complainant, during the course of evidence, to produce the relevant bank records to establish the source of the funds advanced to the accused and the manner in which the liability arose.



5. In such circumstances, when the trial has been completed and the matter stands posted for arguments, there is no justification for permitting an amendment to the complaint. However, it is open to the petitioner to raise all such contentions and submissions during the course of arguments. Therefore, this Court finds no reason to interfere with the order impugned herein.

6. Accordingly, the Criminal Original Petition is disposed of. Consequently, connected miscellaneous petition is closed.

07-07-2026

Neutral Citation: Yes/No
av

To

The learned District Munsif Cum Judicial Magistrate,
Madukkarai.



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D.BHARATHA CHAKRAVARTHY, J.

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CRL.MP.No.11675 of 2026**

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