



CrI.O.P.No.16925 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.06.2025

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

CrI.O.P.No.16925 of 2025 and
CrI.M.P.No.10566 of 2025

Vanaja

... Petitioner

Vs.

Jayaselman

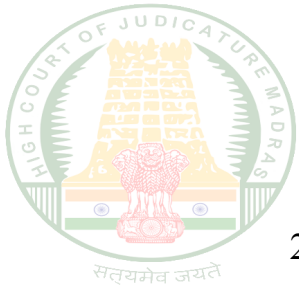
... Respondent

Prayer: Criminal Original Petition filed under Section 528 of BNSS, 2023 to call for the records and to set aside the order passed in CrI.M.P.No.2776 of 2025 in S.T.C.No.2762 of 2022 dated 22.04.2025 by the Metropolitan Magistrate, Fast Track Court at Magistrate Level-IV, George Town, Chennai.

For Petitioner : Mr.M.Jaisingh

ORDER

This Criminal Original Petition has been filed by the petitioner to set aside the order passed in CrI.M.P.No.2776 of 2025 in S.T.C.No.2762 of 2022 dated 22.04.2025 by the Metropolitan Magistrate, Fast Track Court at Magisterial Level-IV, George Town, Chennai.

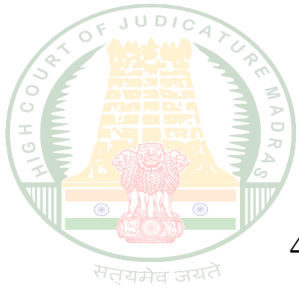


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2. The case of the petitioner is that the respondent has filed a cheque complaint under Section 138 of the Negotiable Instruments Act against the petitioner in S.T.C.No.2762 of 2022 on the file of the Metropolitan Magistrate, Fast Track Court at Magisterial Level-IV, George Town, Chennai. The complainant served proof affidavit copy on 20.11.2024, but the document copies were not served and subsequently, the complainant's side evidence was closed on 29.01.2025. Thereafter, the petitioner received the copies on 24.02.2025 by filing copy application. Subsequently, the petitioner filed a petition in CrI.M.P.No.2776 of 2025 to recall P.W.1 but, the same was dismissed by order dated 22.04.2025. Hence, challenging the same, the present petition is filed.

3. The learned counsel for the petitioner submitted that the petitioner is a single mother. The respondent has filed the complaint suppressing the facts of the case and if this petition is not allowed, great prejudice would be caused to the petitioner.



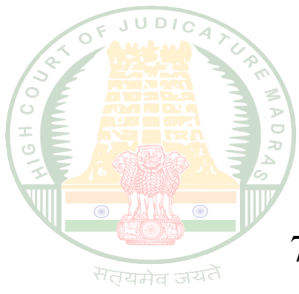
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4. Heard the learned counsel for the petitioner and perused the materials

available on record.

5. It is seen that when the respondent was examined as P.W.1, he was not cross examined by the petitioner's counsel on the same day. Therefore, the evidence of the complainant was closed. Thereafter, the petitioner filed a recall petition before the Court below. Though the petitioner was given sufficient opportunity, he did not utilize the same and since the petitioner protracted the case in one way or other way, the learned Magistrate rightly dismissed the petition. However, in the interest of justice and in order to give one more opportunity to the petitioner, this Court is inclined to set aside the order passed by the Magistrate.

6. Accordingly, the order passed by the learned Magistrate in CrI.M.P.No.2776 of 2025 in S.T.C.No.2762 of 2022 dated 22.04.2025 is set aside.



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7. The petitioner is directed to deposit a sum of Rs.5,000/- (Rupees Five

Thousand Only) before the trial Court on or before 16.06.2025 and on such deposit, the learned Magistrate is directed to pay the said amount to P.W.1 and also issue summons to P.W.1.

8. On appearance of P.W.1, the petitioner is directed to cross examine P.W.1 on the same day, failing which, the petitioner will not be permitted to cross examine the said witness thereafter.

9. With the above directions, this Criminal Original Petition is disposed of at the admission stage itself. Consequently, the connected Miscellaneous Petition is closed.

12.06.2025

Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No

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Note: Issue order copy on 12.06.2025.



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To
The Metropolitan Magistrate,
Fast Track Court at Magisterial Level-IV,
George Town, Chennai.



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P.VELMURUGAN. J.

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