



CrI.O.P.No.19932 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.07.2025

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

CrI.O.P.No.19932 of 2025

Palaniammal

... Petitioner

Vs.

R.Dhanasekaran

... Respondent

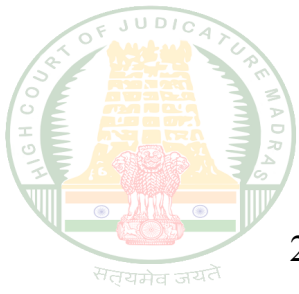
Prayer: Criminal Original Petition filed under Section 528 of B.N.S.S., to set aside the order dated 09.04.2025 made in C.M.P.No.7426 of 2024 in S.T.C. No.78 of 2017 on the file of the Judicial Magistrate, FTC-II.

For Petitioner : Mr.P.Muthukumarasay

ORDER

This Criminal Original Petition has been filed by the petitioner to to set aside the order dated 09.04.2025 made in C.M.P.No.7426 of 2024 in S.T.C. No.78 of 2017 on the file of the Judicial Magistrate, FTC-II, Erode.

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2. The case of the petitioner is that the respondent has filed cheque case against the petitioner in S.T.C. No.78 of 2017 on the file of the Judicial Magistrate, FTC-II, Erode, under Section 138 and 142 of the Negotiable Instruments Act and pending case, the petitioner filed a petition under Section 254(2) Cr.P.C. before the Magistrate in C.M.P.No.7426 of 2024 to permit the petitioner for examining the list of witness mentioned in the petition namely the Inspector of Police, Erode Taluk Police Station as defence witness, whereas the learned Magistrate dismissed the same by order dated 09.04.2025. Hence, challenging the same, the present petition is filed.

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

4. Since no adverse order is being passed against the respondent, notice to the respondent is dispensed with.

5. A perusal of the impugned order shows that the learned Magistrate has clearly given the reasons for dismissing the petition filed by the petitioner that



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at the time of questioning under Section 251 and 313(1)(b) Cr.P.C. nothing had

been stated by the petitioner by involving the proposed listed witness into this case and further, in the earlier petition filed by the petitioner under Section 254(2), the petitioner had sought to examine 3 witnesses in which also, the petitioner had not disclosed about involvement of the proposed witness. It is further seen that the petitioner neither mentioned the role of the proposed witness in the reply notice. Therefore, this Court finds no reason to interfere with the order passed by the Magistrate.

6. Accordingly, this Criminal Original Petition is dismissed at the admission stage itself.

16.07.2025

Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No

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To

The Judicial Magistrate, FTC-II,
Erode.

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P.VELMURUGAN,J.

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