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CrI.O.P.No.23595 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2025

CORAM:

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.23595 of 2025

and

CrI.M.P.Nos.16093 and 16094 of 2025

Sri Balaji Granites
Proprietor M.Arunvel Kumar
S/o.Marimuthu
No.69, 2nd Main Road
VGP Layout, 3rd part, Palavakkam
Chennai – 600 041

... Petitioner

Vs.

Mohankumar
S/o.Seshmal

... Respondent

PRAYER: Criminal Original Petition filed under Section 528 of B.N.S.S. to call for the records in connection with the complaint in C.C.No.2903 of 2020 pending on the file of XXVI Metropolitan Magistrate Court, Egmore, Chennai and quash the same.

For Petitioner : Mr.Y.Kaja Navas
For Respondent : Mr.A.Murali
for Mr.A.Ashok Kumar



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ORDER

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This Criminal Original Petition has been filed to quash the private complaint in C.C.No.2903 of 2020 for the offence under Section 138 of Negotiable Instruments Act, pending on the file of XXVI Metropolitan Magistrate Court, Egmore, Chennai.

2. The learned counsel appearing for the petitioner would submit that there is absolutely no liability on the part of the petitioner. The cheque of the petitioner has been misused and a false private complaint has been filed against him. He further submitted that though the petitioner was ready to get along with the trial, the respondent/complainant, at the stage of arguments, filed an application to recall and reopen a witness. However, the respondent is not bringing the witness for examination.

3. Per contra, the learned counsel appearing for the respondent/complainant would submit that the entire proceedings has been completed and the case stands posted for arguments. At that stage, an application seeking to recall and reopen was filed and the same been allowed and that the complainant/P.W.1 would be examined on 07.11.2025.

4. It is seen that now the case has reached the stage of arguments. At this stage, the petitioner cannot take the ground that his cheque has been misused.



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5. At this juncture, the learned counsel for the petitioner submits that a direction may be issued to the learned trial Judge to complete the trial at the earliest.

6. Considering the above facts and circumstances of the case and the fact that the recall and reopen petition filed by the respondent/complainant has been allowed permitting the complainant/P.W.1 to be examined on 07.11.2025, the learned trial Judge is directed to complete the trial in C.C.No.2903 of 2020, within a period of one month from 07.11.2025.

7. With the above directions, this Criminal Original Petition is dismissed. Consequently, the connected Miscellaneous Petitions are closed.

03.11.2025

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Index:Yes/No

Speaking/Non-speaking order

Neutral Citation:Yes/No

Note: Issue order copy on 05.11.2025

To
The XXVI Metropolitan Magistrate
Egmore, Chennai.



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A.D.JAGADISH CHANDIRA J.
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