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CrI.O.P.No.5141 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.02.2025

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THE HON'BLE Mr. JUSTICE **G.K.ILANTHIRAIYAN**

CrI.O.P.No.5141 of 2025

P.Raja Petitioner

Vs

S.Kavitha Respondent

Prayer: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2025, to set aside the order dated 04.11.2024 passed in CrI.M.P.No.46726 of 2024 in STC No.5420 of 2024 by the Metropolitan Magistrate, Fast Track Court – II, Egmore at Allikulam, Chennai.

For Petitioner : Mr.S.R.Mounaswaminathan

ORDER

This Criminal Original Petition has been filed challenging the order dated 04.11.2024 passed in CrI.M.P.No.46726 of 2024 in STC No.5420 of 2024 by the Metropolitan Magistrate, Fast Track Court No.II, Egmore at Allikulam, Chennai, thereby dismissing the application filed by the petitioner seeking interim compensation.



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2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The petitioner is the complainant and the respondent is the accused in the complaint lodged by the petitioner in STC No.5420 of 2024 on the file of the Metropolitan Magistrate, Fast Track Court No.II, Egmore at Allikulam, Chennai, for the offence punishable under Section 138 of the Negotiable Instruments Act. Pending trial, the petitioner filed an application seeking interim compensation as contemplated under Section 143A of the Negotiable Instruments Act.

4. A perusal of the records reveals that the petitioner paid a sum of Rs.8,00,000/- believing the words of the respondent, as an advance for a joint rental agreement to run a ladies hostel. Accordingly, a joint rental agreement was entered into for a monthly rent of Rs.1,30,000/- for the premises situated at No.40, AJ Block, 9th Main Road, 4th Street, Anna Nagar, Chennai. Further, in order to develop the ladies hostel, the respondent requested further sum of Rs.30,00,000/- for



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interior works as well as to buy washing machines and to construct a kitchen and other amenities. However, the respondent failed to complete the work and thereafter, the petitioner had taken the entire work and completed the same, spending Rs.15,00,000/- for its completion.

5. Therefore, the petitioner requested the respondent to return the money to the tune of Rs.45,00,000/-. Pursuant to the same, the respondent issued a cheque for a sum of Rs.30,00,000/- and the same was presented for collection. However, it was returned dishonoured for the reason “No Sufficient Funds”. After causing statutory notice, the petitioner lodged a complaint. However, on the complaint lodged by the respondent, the petitioner was arrested and remanded to judicial custody. That apart, it is a money transaction between the petitioner and the respondent. Therefore, the respondent made a prima-facie case with a defence. Hence, the Trial Court rightly refused to grant any interim compensation as contemplated under Section 143A of the Negotiable Instruments Act.

6. In view of the above, this Court finds no infirmity or illegality in the order dated 04.11.2024 passed in Crl.M.P.No.46726 of



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2024 in STC No.5420 of 2024 by the Metropolitan Magistrate, Fast

Track Court No.II, Egmore at Allikulam, Chennai. Accordingly, this

Criminal Original Petition stands dismissed.

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Index: Yes/No

Internet: Yes/No

To

The Metropolitan Magistrate,
Fast Track Court No.II,
Egmore at Allikulam, Chennai.



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G.K.ILANTHIRAIYAN,J.

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