



CrI.O.P.No.27574 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.10.2025

CORAM:

THE HON'BLE MR.JUSTICE N. SATHISH KUMAR

CrI.O.P.No.27574 of 2025
and CrI.M.P.Nos.18659 & 18661 of 2025

S.Chitralekhaa

... Petitioner

Vs.

J.Daniel

... Respondent

PRAYER : Criminal Original Petition is filed under Section 528 of BNSS, to call for the records in STC.No.5044/2023 on the file of the learned Metropolitan Magistrate Fast Track Court -V at Saidapet, Chennai and quash the same and acquit the accused herein.

For Petitioner : Mr.R.Rajan

ORDER

The petitioner seeks to quash the complaint filed under Section 138 of Negotiable Instruments Act, 1881.

2. Cheque complainant has been initiated against the petitioner on the ground that the petitioner has borrowed a sum of Rs.4,00,000/-. On demand of repayment, the petitioner had had issued a cheque, on the presentation of the said cheque, the same was dishonoured. After due legal notice, complaint was filed and the same is taken cognisance in C.C.No.5044/2023



CrI.O.P.No.27574 of 2025

on the file of the learned Metropolitan Magistrate Fast Track Court -V at Saidapet, Chennai. Now, the said complaint is sought to be quashed on the ground that while issuing the legal notice, apart from the cheque amount, the respondent also sought Rs.1500 as legal fees for issuance of notice, therefore, the notice could be termed as defective notice and therefore, the entire complaint is not maintainable and thus, sought that the entire complaint to be quashed.

3. Heard the learned counsel for the petitioner and perused the materials placed on record. The petitioner has borrowed a sum of Rs.4,00,000 and cheque has been issued to the tune of Rs.4,23,000/- towards principal and interest, the complainant has filed the complaint only for the cheque amount not for any other amount, therefore, this Court is of the view that merely because cost of the legal notice is also indicated in the notice, that may not be a ground to quash the entire proceedings. This Court is of the view that all the factual aspects have to be established only before the Trial Court and it is left open to the petitioner to raise all the defence before the trial Court and the Court below shall consider the same on its own merits and in accordance with law. In this regard, it is relevant to note that the Hon'ble Supreme Court in the case of *Gunmala Sales Private*



CrI.O.P.No.27574 of 2025

Limited Vs. Anu Mehta and others reported in (2015) 1 SCC 103 has held

that High Court cannot conduct a mini trial or roving enquiry in a 482 petition.

4. Such view of the matter, At this stage, I am not inclined to quash the proceedings as against the petitioner. At this stage, the learned counsel for the petitioner sought indulgence of the Court, to dispense with the personal appearance of the petitioners.

5. Accordingly, this Criminal Original Petition is dismissed. In view of the submissions of the learned counsel for the petitioners, the personal appearance of the petitioners is dispensed with except for receiving copies, for answering the charges, for questioning under section 313 Cr.P.C./351 BNSS and any other dates fixed by the trial Court. Consequently, connected miscellaneous petitions stand closed.

09.10.2025

dhk

Neutral Citation : Yes/No

Internet : Yes/No

N. SATHISH KUMAR, J.



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Crl.O.P.No.27574 of 2025

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To

1. The Metropolitan Magistrate Fast Track Court -V at Saidapet, Chennai
2. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.27574 of 2025

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