



CrI.O.P.No.34471 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 17.12.2025**

CORAM:

**THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA**

**CrI.O.P.No.34471 of 2025**  
**and CrI.M.P.No.24253 of 2025**

Shenthil Balasubramaniyan

... Petitioner

Vs.

Thyagesh Babu

... Respondent

**PRAYER:** Criminal Original Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita/Section 482 of Cr.P.C., to call for the records pertaining to the case in CrI.M.P.No.2 of 2025 in CrI.M.P.No.1 of 2025 in CrI.A.No.1107 of 2025 on the file of the XIX Additional City Civil Court, Chennai and to set aside the same.

For Petitioner : Mr.R.Selvaraj

### **ORDER**

This Criminal Original Petition has been filed seeking to set aside the order passed by the learned XIX Additional Judge, City Civil Court, Chennai, in CrI.M.P.No.2 of 2025 in CrI.M.P.No.1 of 2025 in CrI.A.No.1107 of 2025.



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2. Heard the learned counsel appearing for the petitioner and

perused the materials available on record

3. The brief facts of the case are as follows:-

3.1. The complaint under Section 138 of the Negotiable Instruments Act was filed by the respondent/complainant against the petitioner before the learned Metropolitan Magistrate, FTC-V, Saidapet, Chennai, in S.T.C.No.2023 of 2023

3.2. On 11.08.2025, the trial Court found the petitioner/accused guilty, convicted him and sentenced him to undergo one year simple imprisonment and further directed him to pay a compensation of Rs.3,20,00,000/-.

3.3. Against the said judgment, the petitioner preferred an appeal in Crl.A.No.1107 of 2025 along with a petition in Crl.M.P.No.1 of 2025 seeking suspension of sentence. On 11.09.2025, the XIX Additional Judge, City Civil Court, Chennai, while suspending the sentence imposed on the petitioner, directed him to deposit 20 % of the compensation amount before the trial Court within sixty days from the date of the said order.

3.4. Subsequently, the petitioner filed a petition in Crl.M.P.No.2 of 2025 seeking extension of time to comply with the order



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dated 11.09.2025 passed in CrI.M.P.No.1 of 2025 and the same was allowed on 14.11.2025. Now, the petitioner has filed the present petition seeking to set aside the order passed in CrI.M.P.No.2 of 2025.

4. On perusal of the records, this Court is of the opinion that the petitioner having accepted to pay the amount and having sought extension of time, cannot now seek to set aside the order. Therefore, this Court is not inclined to allow this petition.

5. Accordingly, this Criminal Original Petition stands dismissed. However, the time granted by the learned XIX Additional Judge, in CrI.M.P.No.2 of 2025, vide order dated 14.11.2025, is extended by a further period of **one month** from the date of receipt of a copy of this order. Consequently, the connected miscellaneous petition is closed.

**17.12.2025**

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Neutral Citation: Yes/No

To

1. The Metropolitan Magistrate,  
FTC-V, Saidapet, Chennai.
2. The XIX Additional Judge,  
City Civil Court, Chennai.

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**A.D.JAGADISH CHANDIRA, J.**

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***17.12.2025***