



Crl.O.P.(MD) No. 606 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.02.2025

CORAM

THE HONOURABLE MR.JUSTICE P.DHANABAL

**Crl.O.P(MD)No.606 of 2025
and Crl.M.P(MD)No.418 of 2025**

1. Siva Murugan

2. Vijayasanthi

... Petitioners

Vs

Ramachandran

...Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita (BNSS), to call for the records and set aside the order passed by the Judicial Magistrate Court, Aruppukottai, Virudhunagar District in Crl.M.P. no. 548 of 2024 in C.C. no. 216 of 2023 dated 26.11.2024.

For Petitioners : Mr.M.Jothi Basu

ORDER

This petition has been petitioners challenging the order passed by the learned Judicial Magistrate, Aruppukottai in Crl.M.P.No.548 of 2024 in C.C.No.216 of 2023 dated 26.11.2024.



Crl.O.P.(MD) No. 606 of 2025

WEB COPY

2. According to the petitioners, they are the accused in the cheque case in C.C.No.216 of 2023 on the file of Judicial Magistrate, Aruppukottai. On 14.08.2024, the complainant in this case was cross-examined and he admitted the filing of income tax returns and he was also doing lorry transport and money lending businesses. He also stated that he paid income tax only upto the year 2010 and thereafter, he has not paid any income tax. Therefore, the Aadhar card and Pan card of the complainant is essential to decide this case. When the petitioners filed a petition before the learned Judicial Magistrate, Aruppukottai, the petition was dismissed. Therefore, they have filed this petition.

3. The learned counsel appearing for the petitioners would submit that these petitioners are facing trial in C.C.No.216 of 2023 and the complainant has filed a false case against the petitioners. During the cross-examination, the complainant stated that upto the year 2010, he filed the income tax returns and thereafter, he entrusted the business to his son. But in fact, he is still running lorry and money lending businesses and thereby, in order to prove the same, the complainant's Aadhar card and Pan card are essential to decide this case. Therefore, they filed a petition



Crl.O.P.(MD) No. 606 of 2025

before the Trial Court, but the Trial Court erroneously dismissed the petition by holding that the Aadhar card and Pan card are no way helpful to decide this case. Therefore, the order passed by the Trial Court is liable to be set aside.

4. This Court considering the nature of the petition, without issuing notice to the respondent decided to pass orders at the admission stage itself.

5. According to the petitioners, the respondent has filed a cheque complaint as against the petitioners for a sum of Rs.7,50,000/-. While so, during the cross-examination, the respondent stated that till 2010, he filed the income tax returns and thereafter, he has not filed the income tax returns. But, the respondent / complainant is still running the lorry transport and money lending businesses. Therefore, in order to prove the same, the Aadhar card and Pan card of the respondent are very essential.

6. Though, the respondent in the cross-examination stated that till 2010 he filed income tax returns and thereafter, he did not run any business, this is immaterial to decide the case and thereby, the Aadhar



Crl.O.P.(MD) No. 606 of 2025

card and Pan card of the complainant is no way relevant to decide the cheque complaint case. The learned Magistrate correctly dismissed the petition by holding that the petition filed by the petitioners to produce the Aadhar card and Pan card of the complainant is no way relevant to decide the case. Therefore, there is no illegality or irregularity in the order passed by the learned Magistrate and hence, the order of the learned magistrate does not warrant interference.

7. In view of the same, this Court is of the opinion that the petition has no merits and deserves to be dismissed. Accordingly, this Criminal Original Petition is dismissed. No costs. Consequently, connected Criminal Miscellaneous Petition is also closed.

05.02.2025

Internet :Yes
Index :Yes/No
NCC :Yes/No
mac

To
1. The Judicial Magistrate Court,
Aruppukottai, Virudhunagar District



WEB COPY



Crl.O.P.(MD) No. 606 of 2025

P.DHANABAL, J.

mac

**Crl.O.P(MD)No.606 of 2025
and Crl.M.P(MD)No.418 of 2025**

05.02.2025