



Crl.O.P.(MD) No.5397 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.09.2025

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD) No.5397 of 2025

Y.Manish Kumar Singh

... Petitioner

Vs.

1.Mohamed Sukhail,
Andavargal Traders,
74/1, Ramanujapuram Road,
Cholapuram, Thanjavur District,
Tamil Nadu.

2.State of Tamilnadu rep. by
Inspector of Police,
District Crime Branch,
Thanjavur, Tamil Nadu 613 001.

3.The Superintendent of Police,
District Police Office Complex,
Thanjavur District,
Tamil Nadu 613 010.

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of Bharathiya Nagarik Suraksha Sanhita, 2023 to set aside the return docket order dated 21.02.2025 in unnumbered Crl.M.P.SR.No.1092 of 2025 passed by the learned Judicial Magistrate No.I, Thanjavur and issue direction to the learned Judicial Magistrate No.I, Thanjavur to number the



Crl.O.P.(MD) No.5397 of 2025

petition filed by the petitioner and take on file and consequently proceed with the case in accordance with law within a stipulated time.

For Petitioner : Mr.P.Praveenkumar

For R2 & R3 : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to set aside the docket order dated 21.02.2025 passed by the learned Judicial Magistrate No.I, Thanjavur, in Crl.M.P.SR.No.1092 of 2025 and to direct the learned Judicial Magistrate to number the petition, take it on file, and proceed with the case in accordance with law.

2. By the impugned docket order, the petition under Section 173 of the Bharatiya Nagrik Suraksha Sanhita (BNSS), 2023, was returned as not maintainable on the ground that there was a business transaction between the petitioner and the first respondent; and that since the cheque issued by the first respondent towards the due amount was returned as 'insufficient funds', the petitioner ought to have filed a different complaint before the appropriate court.



Crl.O.P.(MD) No.5397 of 2025

3. The learned counsel for the petitioner would submit that the allegations in the complaint disclose a cognizable offence, and that the learned Judicial Magistrate ought to have directed the respondents to register an FIR on the petitioner's complaint.

4. Though this Court finds that the impugned docket order returning the petition filed before the learned Judicial Magistrate may not be in accordance with law, for the reason that if the petitioner's complaint does not disclose a cognizable offence, the learned Judicial Magistrate ought to have taken the petition on file and dismissed the same. Further, merely because the cheques issued by the first respondent have been dishonoured, the complaint ought not to have been returned.

5. In order to appreciate the facts and to ascertain whether there is any merit in the petitioner's complaint, this Court has perused the complaint filed before the police as well as the petition filed under Section 173 of the BNSS, 2023. On perusal of the records, it is seen that the petitioner had supplied goods to the first respondent herein on the basis of invoices; that the first respondent had made part payment but failed to pay the balance amount of Rs.2,90,48,777/-; that at the instance of the



Crl.O.P.(MD) No.5397 of 2025

petitioner, the first respondent had issued two cheques for two sums of Rs.4,09,92,423/- and Rs.82,66,689/-; and that when the cheques were presented for collection, they were dishonoured for the reason of 'insufficient funds'. Therefore, this Court is of the view that the complaint discloses only a dispute with regard to the payment of money for the goods supplied by the petitioner. The petitioner has also referred to the dishonour of cheques. Therefore, on facts, this Court is of the view that the petition filed under Section 173 of the BNSS, 2023, seeking a direction to the second and third respondents to register an FIR, cannot be entertained. Hence, this Criminal Original Petition is liable to be dismissed.

6. Accordingly, this Criminal Original Petition is dismissed.

15.09.2025

JEN

Index: Yes/ No

Neutral Citation: Yes / No

Speaking Order / Non-Speaking Order

Copy To:

1.The Inspector of Police,
District Crime Branch,
Thanjavur, Tamil Nadu 613 001.



Crl.O.P.(MD) No.5397 of 2025

2.The Superintendent of Police,
District Police Office Complex,
Thanjavur District, Tamil Nadu 613 010.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P.(MD) No.5397 of 2025

SUNDER MOHAN, J.

JEN

Crl.O.P.(MD) No.5397 of 2025

15.09.2025