



Suo Motu TR.(MD).No.8951 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 19.09.2025

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THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

Suo Motu TR.(MD).No.8951 of 2025

(Crl.A.No.113 of 2025 on the file of the Additional District Court,
Kuzhithurai Taluk, Kanniyakumari District)

Vaikundaraj

... Appellant / Accused

Vs.

1.C.K.Arul Raj

2.The State of Tamil Nadu
represented by Public Prosecutor

... Respondents / Complainants

Upon perusing the documents and case records of the above **Crl.A.No.113 of 2025** transmitted to this Court and hearing the arguments of *Mr.S.Ravi, learned Additional Public Prosecutor*, on behalf of the State and *hearing the jurisdiction probation officer* this Court passes the following



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ORDER

Prelude:

"This dedicated bench is for implementing the pilot project to identify and dispose of criminal cases involving offences punishable with imprisonment up to 3 years pending at trial, appeal or revision stage for more than 3 years and also offences like Section 506(ii) of IPC and others, which may carry a punishment of more than 3 years in the State of Tamil Nadu with reference to the 14 Districts coming under the Madurai Bench of Madras High Court".

2.This Dedicated Bench has taken the **Crl.A.No.113 of 2025** on the file of the learned **Additional District Court, Kuzhithurai Taluk, Kanniyakumari District** as ***Suo motu* Special Tr.Case.(MD) No.8951 of 2025** in **Suo Motu W.P.(Crl.).(MD).No.1014 of 2025**, upon proper scrutiny and considering its suitability that it is a fit case warranting the exercise of power under Article 226 of Constitution of India to quash the said case, which is pending without any progress.



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3. Brief facts of the prosecution case in Crl.A.No.113 of 2025:

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3.1. The complainant and the accused have been friends for several years. On 21.06.2016, the accused borrowed a sum of Rs. 4,00,000/- from the complainant as a hand loan and agreed to repay the same on 18.11.2019. In order to discharge the said liability, the accused issued a cheque bearing No.25051 dated 18.11.2019, drawn on Syndicate Bank, Kuzhithurai Branch, and handed over the same to the complainant after signing it in his presence. As instructed, the complainant presented the said cheque for collection on 18.11.2019 through his bank account maintained at Indian Overseas Bank, Kuzhithurai Branch. However, the cheque was returned unpaid with the endorsement “Signature differs,” and the returned memo was received by the complainant on 20.11.2019. Thereafter, on 13.12.2019, the complainant caused a statutory legal notice to be issued to the accused through his counsel demanding the cheque amount. The said notice was returned unserved on 23.12.2019, as the accused failed and neglected to receive the same. The complainant submits that the accused, with dishonest intention, issued the cheque despite the insufficiency of funds in his account and intentionally altered his signature with the sole intention of cheating the complainant. Hence,



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the present private complaint is filed. Therefore, a case was registered for the offences punishable under **Section 138 of the Negotiable Instruments Act and Section 255(2) of the Code of Criminal Procedure** and on investigation, final report was filed and the same was taken on file in **S.T.C.No.274 of 2020.**

3.2. Due to the dispute between the parties, the complainant lodged a complaint, pursuant to which a final report was filed. The case was taken on file as **S.T.C.No.274 of 2020**, and upon trial, the learned Judicial Magistrate No.I, Kuzhithurai, Kanniyakumari District, found that the accused had committed an offence punishable under **Section 138 of the Negotiable Instruments Act.** Accordingly, under **Section 255(2) of the Code of Criminal Procedure**, the accused was convicted and sentenced to undergo **one year of simple imprisonment.** Further, under **Section 357(3) Cr.P.C.**, the accused was directed to pay a compensation of **Rs. 4,00,000/- (Rupees Four Lakhs only)** to the complainant within two months, failing which the accused shall undergo a further period of **four months simple imprisonment.**



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4. Discussion:

4.1. Both the complainant and the Inspector of Police appeared through video conference and the complainant submitted that he has settled the issues with the accused and both are living peacefully and agreed to close the case. He also stated that he is consenting for compromise without any coercion and also this Court on noting the demeanor of the complainant, finds no chance for coercion or threat.

4.2. ***Mr.S.Ravi, the learned Additional Public Prosecutor*** also submitted that the accused has no previous antecedents.

4.3. Both parties buried the hatchet dispute bonafidely and filed the compromise memo. Considering that the dispute is trivial in nature and now both the complainant and accused have settled their dispute voluntarily without any threat or coercion, and living peacefully and since the case comes within the parameters of law laid down by the Honourable Supreme Court in the cases of ***Gian Singh Vs. State of Punjab and Another*** reported in (2012) 10 SCC 303, ***State of Madhya Pradesh Vs. Laxmi Narayan and Others*** reported in (2019) 5 SCC 688 and other



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related judgments and the case is pending without trial and continuation of the trial by examining the witnesses would lead to wastage of time and wastage of Government exchequer and also lead to docket explosion without adjudication and the chance of conviction even after the full-fledged trial would also bleak, this Court is inclined to quash the proceedings by exercising power under Section 482 Cr.P.C.

5. Accordingly, the **CrI.A.No.113 of 2025** on the file of the learned **Additional District Court, Kuzhithurai Taluk, Kanniyakumari District** is allowed and the conviction and sentence ordered by the learned Judicial Magistrate Court No.I, Kuzhithurai Taluk, Kanniyakumari District in S.T.C.No.274 of 2020 is set aside and this *Suo Motu* Transfer case stands closed.

19.09.2025

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Note to the Trial Court: This order is digitally signed and communicated electronically alone. The Trial Court shall take note of the order and accordingly classify the case pending before them as allowed / dismissed / disposed of, etc, and while doing so, consider any applications such as disposal of properties, etc., and pass appropriate orders, as may be necessary. Further, the Court below is directed to dispatch the copy of this



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order to all concerned.

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K.K.RAMAKRISHNAN,J.

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Order made in
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