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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-03-2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

Crl. O.P. Nos. 1266 and 5029 of 2026

and

Crl. M.P. No. 760 of 2026

Roshni Dhinakar

..Petitioner

Vs

S.Rajkumar Sethupathy

..Respondent

Prayer in Crl.O.P.No.1266 of 2026: Criminal Original Petition filed under Section 528 of BNSS to call for the records in Crl.M.P.No.9002 of 2024 in C.C.No.3395 of 2019 on the file of the XVII Metropolitan Magistrate Court, Saidapet, Chennai set aside the order dated 30.12.2025.

Prayer in Crl.OP.No.5029 of 2026: Criminal Original Petition filed under Section 528 of BNSS to call for the records in Crl.M.P.No.7 of 2026 in C.C.No.3395 of 2019 on the file of the XXVII Metropolitan Magistrate Court at Saidapet, Chennai and to set aside the order dated 19.01.2026 passed by the Magistrate at XXVII Metropolitan Magistrate Court at Saidapet, Chennai.

For Petitioner in both : Mr.C.S.Dhanasekaran
Crl.OPs: for Mr. A. Balaji

For Respondent in both : Mr.G.A.Thiyagarajan
Crl.Ops: for Rugan and Arya



COMMON ORDER

The petitioner / A3 is facing trial in C.C.No.3395 of 2019 for the offence punishable under Section 138 of Negotiable Instruments Act, in a case filed by the respondent.

2. The contention of the petitioner is that she had filed a petition under Section 91 Cr.P.C., in Crl.M.P.Nos.9002 of 2024 seeking details regarding the amount received from the telecast of the film “My Story” through satellite by Asianet.

2.1. It is further contended by the learned counsel for the petitioner that the petitioner had entered into a business agreement with the respondent and for the production of the movie, had taken a loan of Rs.4 crores, out of which Rs.2,33,00,000/- has been repaid. However, the balance amount of Rs.2,09,30,600/-, though agreed to be repaid, remains unpaid. Hence, it is alleged that a cheque was issued toward discharge of liability and she is now facing prosecution.

2.2. Further, the petitioner contends that by way of reply notice, Ex.P10 she had clearly stated her defence and disputed the liability. However, the trial Court, in its order dated 30.12.2025, did not consider this aspect and instead observed that the petitioner had not questioned the transactions with the respondent / complainant. It is also noted that A2, the estranged husband, had filed a quash petition in Crl.O.P.No.7425 of 2023. While allowing the said



petition, this Court directed the trial Court to complete the trial within a period of three months. Hence, the trial Court is constrained to complete the trial within the stipulated time and cannot grant any indulgence for summoning documents and therefore, dismissed the petition.

2.3. He further submitted that in the meanwhile, the trial Court was proceeding with the trial in haste and was not permitting the petitioner to complete the cross-examination in the manner as formulated by the petitioner. Hence, the petitioner filed another petition in Crl.M.P.No.7 of 2026 seeking deferment of the cross-examination of the complainant. The said petition was dismissed on 19.01.2026, observing that the petition filed under Section 91 Cr.P.C., in Crl.M.P.No.9002 of 2024 had already been dismissed on 30.12.2025 and was uploaded on the same day. It was further observed that the petitioner had not downloaded the order till 07.01.2026 and without obtaining a certified copy within time, had approached the High Court. On such grounds, the petition was held to be not maintainable and was accordingly dismissed.

3. The learned counsel for the respondent / complainant strongly opposed the petitioner's contention and submitted that a mere reading of the petition filed under Section 91 Cr.P.C., would show that it had been filed only to protract the trial. It was further submitted that the petition lacked material particulars and contained only bald averments seeking production of all documents relating to the film "My Story". However, it was fairly submitted



that during arguments, the petitioner had confined her request only to the satellite rights and the amount received from the telecast of the film through Asianet.

3.1. This Court had much earlier issued a direction to complete the trial. However, the proceedings have been protracted by the petitioner by filing one petition after another. The respondent / complainant is directed to produce documents relating to the telecast of satellite rights through Asianet and the amount received therefrom. Despite the same, the petitioner remains liable to pay the complainant.

4. Considering the submissions and upon perusal of the materials on record, this Court finds that the cheque in question was issued pursuant to a business transaction between the petitioner and the respondent/complainant. It is an admitted case that the petitioner had taken a loan of Rs.4 crores and repaid a sum of Rs.2,33,00,000/-. For the balance amount of Rs.2,09,30,600/-, the cheque has been issued. It is also not in dispute that the satellite rights were sold to Asianet, the film was telecast and revenue was generated therefrom.

5. While determining the total liability, according to the petitioner, the said amount has to be given due credit. For the purpose of raising such a plea and defence, the contention of the petitioner deserves consideration.



6. In view of the above, this Court sets aside the order passed in the petitions and directs the respondent / complainant to furnish details regarding the amount received from the telecast of “My Story” through Asianet and other satellite rights in respect of the said film, along with the total amount collected, within a period of four weeks.

7. The trial Court is reminded that the earlier direction issued by this Court does not curtail the petitioner/accused right to cross-examination, particularly in a case under Section 138 of the Negotiable Instruments Act involving business transaction.

8. In view of the above, the trial Court is directed to complete the trial within a period of two months from the date of completion of the cross-examination of the complainant.

9. Accordingly, these Criminal Original Petitions are allowed. Consequently, connected miscellaneous petition is closed.

25-03-2026

Neutral Citation: Yes/No
AT

To:



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CRL OP Nos. 1266 & 5029 of 2



M.NIRMAL KUMAR J.

AT

1. The Metropolitan Magistrate Court, Saidapet, Chennai
2. The XXVII Metropolitan Magistrate Court at Saidapet, Chennai.

CRL OP Nos. 1266 and 5029 of 2026 and
CRL MP No. 760 of 2026

25-03-2026