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Crl.O.P.Nos.3555, 3561 & 3565 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.02.2026

CORAM:

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

Crl.O.P.Nos.3555, 3561 & 3565 of 2026

and

Crl.MP.Nos.2456, 2463 & 2465 of 2026

J.Rangarajan

...Petitioner in Crl.O.P.Nos.3555 & 3561 of 2026

Padmapriya

...Petitioner in Crl.O.P.No.3565 of 2026

Vs.

S.G.Ramesh Cumar

...Respondent in all petitions

Prayer in Crl.O.P.No.3555 of 2026: Criminal Original Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, (BNSS), 2023, to set aside the order dated 01.12.2025 passed in Crl.M.P.No.4 of 2025 in STC.No.41 of 2023 by the learned Judge, V Fast Track Court, Saidapet.

Prayer in Crl.O.P.No.3561 of 2026: Criminal Original Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, (BNSS), 2023, to set aside the order dated 01.12.2025 passed in Crl.M.P.No.9156 of 2025 in STC.No.44 of 2023 by the learned Judge, V Fast Track Court, Saidapet.

Prayer in Crl.O.P.No.3565 of 2026: Criminal Original Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, (BNSS), 2023, to set aside the order dated 01.12.2025 passed in Crl.M.P.No.5 of 2025 in STC.No.42 of 2023 by the learned Judge, V Fast Track Court, Saidapet.



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In all petitions:

For Petitioner : Mr.A.Arvind Athithan

For Respondent : Mr.A.L.Ramamoorthy

COMMON ORDER

These criminal original petitions have been filed seeking to quash the orders, all dated 01.12.2025 made in Crl.M.P.No.4 of 2025 in STC.No.41 of 2023, Crl.M.P.No.9156 of 2025 in STC.No.44 of 2023 and Crl.M.P.No.5 of 2025 in STC.No.42 of 2023 respectively, all on the file of the V Metropolitan Magistrate Fast Track Court, Saidapet.

2. Brief facts of the case are as follows:-

The petitioners are accused facing trial in STC.Nos.41 and 44 of 2023 & 42 of 2023 respectively before the learned Metropolitan Magistrate, Fast Track Court No.V, Saidapet for the offence under Section 138 of the Negotiable Instruments Act, pursuant to the complaints made by the respondent/complainant. The respective petitioners filed petitions under Section 311 of Cr.P.C., in Crl.MP.Nos.4 and 5 of 2025, seeking to recall P.Ws.1 to 3 and D.W.1 respectively and an application under Section 243 of Cr.P.C. in Crl.MP.No.9156 of 2025 seeking to summon the witnesses mentioned therein for the purpose of examining them as defence side witnesses. However, the trial court, vide orders all dated 01.12.2025,



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dismissed the said petitions on the ground that the same have been filed only to drag on the proceedings. Challenging the same, the petitioner has come up with these petitions.

3. Learned counsel for the petitioners submitted that since certain amounts have been repaid to the respondent/complainant and since the questions regarding the same were not put to the respective witnesses, in order to elicit the same and in order to prove their innocence by producing the relevant transaction details and the WhatsApp chats and by examining the persons who were aware of the said transactions, the petitioner in Crl.O.P.Nos.3555 & 3561 of 2026 filed a petition under Section 311 of Cr.P.C. in Crl.M.P.No.4 of 2025 seeking to recall P.Ws.1 to 3 and also a petition under Section 243 of Cr.P.C. in Crl.M.P.No.9156 of 2025, seeking to summon the witnesses mentioned therein for the purpose of examining them as defence side witnesses and the petitioner in Crl.O.P.No.3565 of 2026 filed a petition under Section 311 of Cr.P.C. in Crl.M.P.No.5 of 2025 seeking to recall D.W.1. However, the trial Court, without considering any of the abovesaid facts, vide impugned orders all dated 01.12.2025, had mechanically dismissed the said petitions, that too on the same ground and by making very same observations, irrespective of the cause for which the said petitions were filed, which is wholly unsustainable. He further submitted that



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if the petitioners are not given an opportunity to cross-examine the respective witnesses and to examine some fresh witnesses, they would be put to a great predicament. Hence, he prayed for setting aside the impugned orders all dated 01.12.2025.

4. Learned counsel appearing for the respondent submitted that the main cases are of the year 2023 and even presuming without admitting that cross-examination of P.Ws.1 to 3 & D.W.1 and summoning of certain persons to examine them as defence witnesses are very much necessary, it is not understandable as to why the petitioners kept quiet when the matters were subsequently posted for arguments and the petitioners have filed the aforesaid petitions only in the year 2025, when the matters were pending at the penultimate stage. Hence, the trial court, after careful consideration of the materials on record, dismissed the said petitions, vide impugned orders on the ground that the respective petitioners have filed the above petitions only with an intention to delay the trial proceedings and the same cannot be said to be erroneous.

5. This Court gave its careful consideration to the arguments advanced by the learned counsel on either side and perused the materials available on record.



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6. On a perusal of the materials available on record, it is seen that the petitioner in Crl.O.P.Nos.3555 & 3561 of 2026 and the petitioner in Crl.O.P.No.3565 of 2026 are husband and wife who are facing trial for the offence under Section 138 of the NI Act; the petitioner in Crl.O.P.Nos.3555 & 3561 of 2026 had earlier filed a petition under Section 311 of Cr.P.C. in Crl.M.P.No.2 of 2025 in STC.No.41 of 2023 seeking to recall P.W.1 and the same was dismissed by the trial Court on 05.05.2025. However, the same was not challenged by the petitioner/accused in the manner known to law and it is evident from the impugned order that the said petitioner had already cross-examined P.W.1 thrice in detail.

7. Further, it is seen that though the petitioners have filed the aforesaid petitions stating that the same have been filed to prove the amount repaid to the complainant subsequently by producing the relevant WhatsApp chats, the same has been strongly objected by the respondent stating that the same pertains to earlier transactions between the parties and not related this case transactions.

8. In view of the above, the trial court holding that the petitioners have miserably failed to show cause the necessity to allow the aforesaid



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petitions and that the aforesaid petitions have been filed by the respective petitioners at the fag end of trial, which is only with the sole intention to drag on the proceedings, had dismissed the said petitions, which cannot be said to be erroneous.

9. It is well settled that the principles of natural justice require reasonable opportunity and not endless opportunity. A litigant cannot take advantage of his own inaction and subsequently contend that he was denied fair hearing. In *State of Uttar Pradesh vs. Shambhu Nath Singh, (2001) 4 SCC 667*, the Apex Court emphasized that Courts must ensure that criminal proceedings are not unduly delayed at the instance of parties. Further, considering the fact that the present complaints have been filed for the offence under Section 138 of the NI Act and the main cases are of the year 2023 and the trial of cases for the offence under Section 138 of the NI Act are summary in nature and the same has to be completed within a period of six months as per Section 143 of the NI Act, the trial court, after careful consideration of the all the above said facts, dismissed the aforesaid recall petitions filed by the respective petitioners and also the petition seeking to summon the witnesses mentioned therein for the purpose of examining them as defence side witnesses.



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10. In view of the foregoing discussion, this Court does not find any infirmity or perversity in the impugned dismissal orders passed by the Court below and, is therefore, not inclined to interfere with the same.

11. These criminal original petitions stand dismissed accordingly. Consequently, the connected miscellaneous petition are closed.

13.02.2026

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Neutral Citation: Yes/No

To:

The Metropolitan Magistrate, Fast Track Court No.V,
Saidapet.



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A.D.JAGADISH CHANDIRA, J.

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