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CRL OP No. 2554 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-02-2026

CORAM

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

CRL OP No. 2554 of 2026
and CrI.O.P.No.1708 of 2026

Kadhirmathiyan

..Petitioner

Vs

N. Malarselvi

..Respondent

Prayer: Criminal Original Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, to set aside the order dated 23.06.2025 passed in CrI.M.P.No.13634 of 2024 in STC No.3985 of 2022 by the learned Metropolitan Magistrate, Fast Track Court-V, Saidapet, Chennai-15 and allow the application filed under section 91 Cr.P.C and direct the respondent to produce the eight promissory notes referred to in the complaint.

For Petitioner : Mr.S.Ravichandran

ORDER

The present Criminal Original Petition has been filed to set aside the order dated 23.06.2025 passed in CrI.M.P.No.13634 of 2024 in STC No.3985 of 2022 by the learned Metropolitan Magistrate, Fast Track Court-V, Saidapet, Chennai-15 and allow the application filed under section 91 Cr.P.C and also to



direct the respondent to produce the eight promissory notes referred to in the complaint.

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2. The learned counsel appearing for the petitioner submitted that the production of the eight promissory notes are relevant for deciding the case. However, the learned trial Judge refused to entertain the petition and dismissed the same. Therefore, he seeks to set aside the order dated 23.06.2025 passed in Crl.M.P.No.13634 of 2024 in STC No.3985 of 2022 by the learned Metropolitan Magistrate, Fast Track Court-V, Saidapet, Chennai-15.

3. Heard the learned counsel appearing for the petitioner and perused the materials available on record.

4. On perusal of the order passed by the trial Judge, it is seen that the learned trial Judge, finding that it is the wish of the complainant to produce documentary or oral evidence in any case and the Court cannot direct the respondent/complainant to hand over the said listed promissory notes to the petitioner at his application, and since the complaint has been filed based on a cheque, it is the prerogative of the complainant to produce the documentary evidence or not and if the documents are not produced, it is for the trial Court to take adverse inference and the complainant cannot be compelled to produce the



documents, dismissed the petition. Since it is the complainant, who initiated the prosecution, it is for him to mark/produce documents of his choice and the petitioner cannot have any say in this regard.

5. This Court is in complete agreement with the aforesaid findings of the trial Court.

6. Hence, this petition fails and it is accordingly dismissed as being devoid of merits.

04-02-2026

SRM

Neutral Citation: Yes/No

To

The Metropolitan Magistrate,
Fast Track Court-V,
Saidapet,
Chennai - 600 015.



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A.D.JAGADISH CHANDIRA, J.

SRM

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