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CRL OP No. 7190 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-03-2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 7190 of 2026

Gomathi
W/o.Prakash,
D.No. 5/9, Athukadu,
Collector Bungalow Backside,
Salem Taluk,
Salem District.

..Petitioner(s)

Vs

1. M/s. Puthukadai Private Limited
Managing Director Johnpeter,
No. 101, PK Road,
Nerkundram,
Maduravoyal Taluk,
Chennai District.
2. Puthukadai Private Ltd.,
Corporate Office,
No.4, Srivari Towers,
1st Floor,
Kamaraj Colony,
2nd Cross,
Hosur.
3. A.Johnpeter
Puthukadai Private Ltd.,
No.70/1, SS Complex,
Duraiyur Road,
Namakkal District.

..Respondent(s)

Prayer: This Criminal Original Petition is filed under Section 528 of BNSS, 2023, to set aside the docket order dt. 30.06.2025 made in S.T.C.No. 10185/2022 on the file of the Hon'ble Judicial Magistrate No.3 at Salem.

For Petitioner(s):

S.Ismath Hajarah

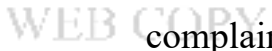


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ORDER

The petitioner has filed a private complaint under Section 138 of the Negotiable Instruments Act against the respondents. The same has been taken on file in STC.No.10185 of 2022. The case was periodically adjourned and during COVID-19, the case was adjourned for long durations. Thereafter, the learned counsel for the petitioner lost track of the pendency of the case and hence, he could not take steps for issuance of summons to the respondent and the case was finally dismissed for non-prosecution under 204(4) Cr.P.C., on 30.06.2025, against which, the present petition has been filed.

2.The learned counsel for the petitioner submitted that due to the mistake committed by the learned counsel for the petitioner, the petitioner cannot be penalised. Further that the complaint has been filed for non-payment of Rs.6,00,000/- by the respondents, despite the third respondent having issued a cheque for the said purpose. Admittedly, the third respondent has not appeared before the trial Court. During the pendency of the case, COVID-19 intervened and the case was adjourned for long intervals and the learned counsel for the petitioner lost track of the case. However, the learned counsel is now ready to take steps without any delay and has filed this petition seeking to set aside the impugned order.





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To

The Judicial Magistrate No.3, Salem.

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M.NIRMAL KUMAR, J.

TSG

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