



WEB COPY



Crl.A.No.432 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.06.2026

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.A.No.432 of 2024

V.Ramesh

... Appellant

Vs.

A.Prethibha

... Respondent

Prayer: Criminal Appeal filed under Section 378(4) of Cr.P.C. to call for the records in S.T.C.No.70 of 2020 on the file of Court of Fast Track at Magisterial Level, Tiruvallur and set aside the order dated 05.03.2024 acquitting the respondent herein of the offence under Section 138 of the Negotiable Instruments Act.

For Appellant : Mr.R.Darshan

For Respondent : Mr.M.Mohamed Saifulla
Legal Aid Counsel
Along with Mr.P.Yukesh Kumar
for Mr.R.Parthiban



JUDGMENT

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The appellant as complainant filed a complaint against the respondent under Section 138 of Negotiable Instruments Act in S.T.C.No.70 of 2020 before the learned Judicial Magistrate, Fast Track Court, Tiruvallur. The Trial Court by judgment dated 05.03.2024 dismissed the complaint and acquitted the respondent. Against which, the present appeal is filed.

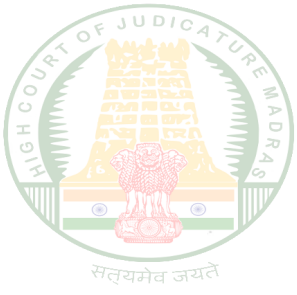
2.The case of the appellant is that the appellant/complainant and the husband of the respondent Mr.Anbalagan are close friends and he borrowed a sum of Rs.11,00,000/- as hand loan on 25.11.2018 at complainant's residence, at that time, the respondent issued a post-dated cheque dated 22.10.2020 drawn on HDFC Bank, Pattabiram Branch, Chennai for Rs.11,00,000/- and she handed over a property document bearing Document No.1077/2009 situated at Lukkama Nayakampatti Village, Vellakovil Union, Kangayam Taluk, Erode District standing in the name of one Krishnaveni, who is the friend of the respondent. When the cheque was presented for encashment, the same was dishonoured. Thereafter, following statutory provisions, complaint filed. The Trial Court dismissed the complaint and acquitted the respondent. Against which, the present appeal is filed.



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3. Without going into the merits of the case, the respondent and the appellant reached an understanding and it was agreed that a sum of Rs.4,50,000/- would be paid towards full and final settlement. The same was recorded on 28.07.2025 and the respondent was directed to pay a sum of Rs.2,00,000/- directly to the respondent and produce the acknowledgment to that effect before this Court on or before 18.08.2025. But the payments got delayed and each time, the respondent gave one reason or other for non-payment of the agreed amount. Finding that the respondent is adopting dilatory tactics and not paying the agreed amount, Non-Bailable Warrant issued. Thereafter, the respondent paid a sum of Rs.2,20,000/- to the appellant and today, a Demand Draft drawn on State Bank of India, Chennai Broadway Branch in favour of the appellant for a sum of Rs.2,30,000/- handed over to the respondent.

4. Now the entire amount was paid by the respondent. An affidavit of undertaking was filed by the respondent to that effect. A scanned reproduction of the affidavit and the Demand Draft is as follows:



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V.Ramesh
S/o.Vadivel
No.2, 6th Main Road,
Lakshmipuram,
Tiruninravur – 602 024.

... Appellant

Vs.

A.Prethiba
W/o.Anbalagan,
No.281, Drivers Colony,
Venkateshwara Nagar,
Pattabiram,
Chennai – 600 072.

... Respondent

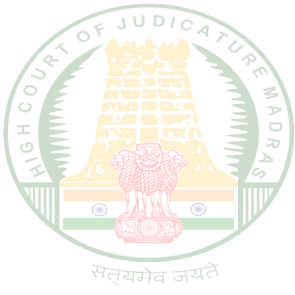
AFFIDAVIT OF UNDERTAKING FILED BY THE RESPONDENT

I, **PRETHIBA**, aged about 45 years, wife of Anbalagan, residing at No.281, Drivers Colony, Venkateshwara Nagar, Pattabiram, Chennai – 600 072. do hereby solemnly affirm and state as follows:

I am the respondent/accused in the above Criminal Appeal and I am well acquainted with the facts of the case. I am filing this affidavit in compliance with the direction of this Hon'ble Court dated 09.04.2026.

I respectfully submit that this Hon'ble Court, by order dated 28.07.2025, directed me to pay a sum of Rs.4,50,000/- (Rupees Four Lakhs Fifty Thousand only) as full and final settlement.

A. Prethiba



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I submit that I have already paid a sum of Rs.2,20,000/- (Rupees Two Lakhs Twenty Thousand only) to the appellant/de facto complainant.

I further submit that due to unavoidable circumstances, I could not comply with the earlier undertakings within the stipulated time. I now hereby undertake before this Hon'ble Court that I will pay the remaining balance amount of Rs.2,30,000/- (Rupees Two Lakhs Thirty Thousand only) on or before 25.06.2026 without fail.

I further undertake that I will strictly comply with the above undertaking and will not seek any further extension of time.

I humbly pray that this Hon'ble Court may be pleased to record this undertaking.

A. Pruthi

Solemnly affirmed at Chennai
on this 16th day of April 2026
and signed before me.

Before Me,

P. Narayana Prasad
#262/21

P. NARAYANA PRASAD
No: 28, Law Chambers,
High Court,
Ch - 604.



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Issuing Branch BROADWAY CHENNAI
कोड क्र. / CODE No. 80220
Tel No. State Bank of India

मांगे जानेपर V. RAMESH
ON DEMAND PAY
Two Lakh Thirty Thousand Only

मांगेद्राफ्ट
DEMAND DRAFT

Key: NOFFIN
Sr. No: 113813

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D D M M Y Y Y Y9

या उनके आदेश पर
OR ORDER

अदा करें ₹ 230000.00

अमाउंट 230001(0/6)

मूल्य प्राप्त / VALUE RECEIVED

प्रमाणित हस्ताक्षरकर्ता
AUTHORISED SIGNATORY

प्रमुख शाखा प्रबंधक
BRANCH MANAGER

भारतीय स्टेट बैंक
STATE BANK OF INDIA
अदाकर्ता शाखा / DRAWEE BRANCH: TIRUVALLUR
कोड क्र. / CODE No: 00937

Suba Dennis
SS No. D-10379

॥ 244742 ॥ 0000020001: 000576 ॥ 16

Received for complainant
V. Ramesh on 30/6/26.
D. Darshan
Counsel for Appellant.

5.Today, the respondent's husband is present before this Court. The learned counsel for the appellant admits the receipt of Rs.4,50,000/- and agrees to give quietus to the above appeal.



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6. In view of the above, the Criminal Appeal stands dismissed confirming the judgment of acquittal rendered by the learned Judicial Magistrate, Fast Track Court, Tiruvallur in S.T.C.No.70 of 2020 dated 05.03.2024.

30.06.2026

Index : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No
cse

To

The Judicial Magistrate,
Fast Track Court at Magisterial Level,
Tiruvallur.



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M.NIRMAL KUMAR, J.

cse

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