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Crl.O.P.No.8900 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 09.04.2026

PRONOUNCED ON : 15.04.2026

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.8900 of 2026 and
Crl.M.P.No.6325 of 2026

Fathima Zohara, F/64,
W/o.Masood Ahmed,
No.58, G Block, 1st Floor,
VOC Nagar Main Road,
Ann Nagar East,
Chennai-600 102.

... Petitioner

Vs.

P.Leelavathy,
W/o.P.Kamesh Babu,
No.98/27, 1st Floor,
AB Block, 1st Street,
Anna Nagar,
Chennai-600040.

... Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to call for the records in Crl.M.P.No.30 of
2026 in S.T.C.No.8335 of 2024 on the file of the Principal Sessions Court,
Chennai, set aside the order dated 10.03.2026.

For Petitioner : Mr.M.S.Niranjhan
For Respondent : Mr.K.Manikandan



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ORDER

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The petitioner/accused in a private complaint filed by the respondent for offence under Section 138 of Negotiable Instruments Act, 1881 in S.T.C.No.8335 of 2024 before the learned XXVI Metropolitan Magistrate, Egmore, Chennai, has filed a transfer petition before the learned Principal Sessions Judge, Chennai in Crl.M.P.No.30 of 2026 in S.T.C.No.8335 of 2024. The learned Principal Sessions Judge, Chennai by impugned order dated 10.03.2026 dismissed the petition, against which, the present Criminal Original Petition is filed.

2.Learned counsel for the petitioner submitted that earlier the petitioner questioned the premature closure of the cross examination and filed a petition for recall of PW1, which was dismissed, against which, the petitioner filed Crl.O.P.No.8219 of 2026 before this Court. He further submitted that in the transfer application, the Principal Sessions Judge, Chennai initially granted interim stay on 03.01.2026, thereafter, instead of proceeding to adjudicate the matter on merits, the Principal Sessions Judge, Chennai engaged the parties in repeated in-chamber discussions forcing settlement. Earlier, the petitioner requested the matter be referred to mediation through the Mediation Centre, but the trial Judge conducted mediation which failed and thereafter proceeded



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with the trial. The learned Principal Sessions Judge, Chennai on 24.02.2026 and 26.02.2026 heard the parties in the chamber forcing for a settlement.

Further the case was listed under the caption for “reporting settlement or arguments”. On 10.03.2026, the settlement could not be finalised since the petitioner was unable to arrange the funds required within the time indicated. Further, the respondent was demanding more and above the cheque amount. The learned Principal Sessions Judge, Chennai declined the matter for neutral mediation instead personally engaged in settlement discussions. The impugned order is a non-speaking order which does not disclose any reason or application of mind. It is settled requirement of law that the judicial order must contain reason, hence, by this ground, the impugned order to be set aside and the case to be transferred from the file of the XXVI Metropolitan Magistrate Court, Egmore, Chennai to some other Court.

3.On the submissions and on perusal of the materials and impugned order, it is seen that initially the complaint filed by the respondent before the Fast Track Court-II Magistrate Court, Allikulam and later on administrative ground, the case transferred to the file of the XXVI Metropolitan Magistrate Court, Egmore, Chennai during September 2025. The petitioner on 19.12.2025 sought for adjournment on account of ill-health, thereafter, the



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matter adjourned to 26.12.2025. On that date, the petitioner's counsel filed an application seeking permission to cross-examine the respondent and to reopen her evidence for further cross examination on the ground that the cross-examination remained incomplete. This application was posted for counter on 02.01.2026 and the adjournment granted for a short date. Normally the Courts grant two weeks time for filing counter. This short adjournment causes doubt and the petitioner's apprehension is that the trial Court is not giving fair opportunity.

4.It is further seen that the case posted for cross examination on 31.10.2025. Thereafter, it was adjourned to 05.11.2025 and subsequently to 07.11.2025. On 07.11.2025 the petitioner cross examined the respondent at length and then sought further time for further cross examination without any reason. The trial Court finding the petitioner's request is without any valid reason and to protract the trial, declined to grant time for further cross examination and posted the case to 13.11.2025 for questioning the petitioner under Section 313 Cr.P.C. The petitioner filed a memo that she is willing to settle the issue with the respondent and prayed to refer the matter to Lok Adalat. Accordingly, the case referred to Lok Adalat on 13.12.2025, but the petitioner not appeared before the Lok Adalat and no settlement arrived and



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the case sent back to the Court on 19.12.2025. In the meantime, on 15.12.2025, the petitioner filed transfer application before the learned Chief Judicial Magistrate which was returned and the case adjourned to 26.12.2025. Then, a petition to reopen the case and recall the complainant for further cross examination filed. At that stage, the petitioner filed the transfer application before the learned Principal Sessions Judge, Chennai. The Principal Sessions Judge, Chennai referring to the judgment of the Hon'ble Apex Court in the case of *Indian Bank Association and others v. Union of India and others* reported in (2014) 5 SCC 590, found the grounds raised are unreasonable and dismissed the petition.

5.Considering the submissions and on perusal of the materials, it is seen that the petitioner primarily questioned the trial Court for granting short adjournments, Further the trial Court conducted mediation in Lok Adalat on 13.10.2025, thereafter, on failure of the mediation, the trial was conducted by the same Judge which causes prejudice. It is submitted by the petitioner that the trial Judge not granted sufficient time to further cross examine the respondent. For this point and for denial of further cross examination the petitioner filed Crl.O.P.No.8219 of 2026 and this Court by order dated 07.04.2026, dismissed the petition.



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6.From the impugned order, it is seen that the petitioner herself filed a memo to settle the issue with the respondent and requested the matter be referred to mediation. The petitioner not appeared before the mediation, but now questioning the procedures and for granting short adjournments by the trial Court and filing a transfer application on the ground that there is an apprehension of denial of justice, are improper. All these facts were rightly captured and answered in the impugned order dated 10.03.2026.

7.In view of the above, the grounds raised by the learned counsel for the petitioner to transfer case is unsustainable and do not merit consideration. Hence, this Court finds no reason to interfere with the impugned order.

8.In the result, this Criminal Original Petition stands dismissed and the impugned order dated 10.03.2026 in Crl.M.P.No.30 of 2026 in S.T.C.No.8335 of 2024 passed by the learned Principal Sessions Judge, Chennai is affirmed. Consequently, connected Criminal Miscellaneous Petition is closed.

15.04.2026

Speaking order/Non-speaking order

Index: Yes/No

Neutral Citation: Yes/No

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To

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The Principal Sessions Judge,
Chennai.



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M.NIRMAL KUMAR, J.

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PRE-DELIVERY ORDER IN
CrI.O.P.No.8900 of 2026

15.04.2026