



C.R.L. O.P. No.12231 OF 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.05.2026

PRESENT:

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL OP NO.12231 OF 2026

AND

CRL MP NO.8534 OF 2026

Sivasankaran
S/o. K.Muthukrishnan
No.6/75, DC Road, Vellakovil,
Kangeyam, Tiruppur – 638 111.

... Petitioner / Petitioner /
Accused

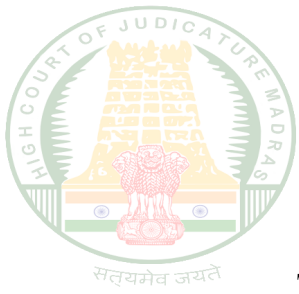
Vs.

K.Chandrasekaran
S/o. Late Kuppusamy
No.1202, C-Block,
Radiance Mandarin Apartments,
Pallavaram to Thoraipakkam Link Road,
Thoraipakkam, Chennai – 600 097.

... Respondent / Respondent /
Complainant

PRAYER: Criminal Original Petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), praying to set aside the Order dated 05.05.2026 made in CrI.M.P.No.3 of 2026 in STC No.2304 of 2023 on the file of the learned Fast Track Court V / Metropolitan Magistrate, Saidapet, Chennai.

For Petitioner : Mr.R.Prabakar
For Respondent : Mr.M.Deivanandam



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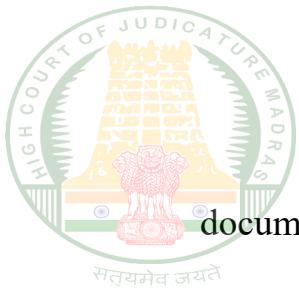
ORDER

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This Criminal Original Petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), praying to set aside the Order dated May 5, 2026 made in CrI.M.P.No.3 of 2026 in STC No.2304 of 2023 on the file of the learned Fast Track Court V / Metropolitan Magistrate, Saidapet, Chennai.

2.The petitioner herein is the accused and the respondent herein is the complainant in S.T.C. No.2304 of 2023. The respondent filed a complaint against the petitioner under Section 138 of the Negotiable Instruments Act, 1881. In the said S.T.C. No.2304 of 2023, the evidence on the side of the respondent was closed and the matter was posted for further evidence on the side of the accused / petitioner.

3.Thereafter, the petitioner examined himself as D.W.1 and the same was closed. Thereafter the petitioner filed a petition under Section 348 of the BNSS, 2023 seeking to reopen the evidence of D.W.1 and to mark the copy of the petition filed by the petitioner's wife under Sections 13(1)(i-a) and 13(1)(i-b) of the Hindu Marriage Act, 1955 before the Family Court, Chengalpattu, as well as the certified copy of the counter filed by the petitioner in the said matrimonial proceedings. The learned Metropolitan Magistrate, upon considering the petition, concluded that the said



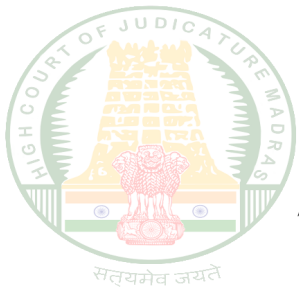
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documents are not relevant for deciding the dispute between the parties and accordingly dismissed the petition. Aggrieved by the same, the petitioner / accused has filed the present Criminal Original Petition.

4.Heard Mr.R.Prabakar, learned Counsel appearing for the petitioner.

5.Mr.M.Deivanandam, learned Counsel takes notice for the respondent. By consent, this Criminal Original Petition is taken up for final disposal.

6.The learned Counsel for the petitioner submitted that the petitioner and his wife are residing separately and that matrimonial proceedings are pending between them. According to the learned Counsel, the petitioner's wife had instigated the respondent to file the present complaint. Therefore, in order to establish that matrimonial disputes are pending between the petitioner and his wife before the competent Court of law, it is necessary to mark the divorce petition filed by the petitioner's wife as well as the counter filed by the petitioner in the said proceedings. The learned Metropolitan Magistrate, without properly appreciating the said facts, dismissed the petition. Hence, he prayed for allowing this Criminal Original Petition.



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7.Mr.M.Deivanandam, learned Counsel appearing for the respondent, submitted that the documents sought to be marked are in no way relevant for deciding the dispute in S.T.C. No.2304 of 2023. According to him, the learned Metropolitan Magistrate has rightly dismissed the petition. Hence, he prayed for dismissing this Criminal Original Petition.

8.This Court has considered the submissions made on either side and perused the materials available on record.

9.It is the specific case of the petitioner that the petitioner's wife had set up the respondent to file a complaint against him under Section 138 of the Negotiable Instruments Act, 1881. In such circumstances, the relevancy or otherwise of the divorce petition and the counter filed therein cannot be decided in isolation at this stage. Therefore, this Court, with a view to adhere to the principles of natural justice, is inclined to permit the said documents to be received, subject to objection. The relevancy and evidentiary value of the documents can be decided at the time of passing the final judgment / order. No prejudice would be caused to the respondent if the petition is allowed, and the divorce petition as well as the counter filed in the matrimonial proceedings are received as evidence in the present



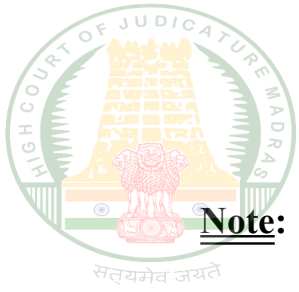
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case. It is needless to state that after marking the documents, the respondent is at liberty to cross-examine the petitioner / accused with regard to the said documents. Hence, no prejudice would be caused in allowing this Criminal Original Petition.

10. Accordingly, this Criminal Original Petition is allowed and the Order dated May 5, 2026 passed in CrI.M.P.No.3 of 2026 in STC No.2304 of 2023 on the file of the Fast Track Court–V / Metropolitan Magistrate, Saidapet, Chennai is set aside and CrI.M.P.No.3 of 2026 in STC No.2304 of 2023 is allowed. The petitioner and the respondent are directed to cooperate with the Trial Court for expeditious disposal of the case. Consequently, connected Criminal Miscellaneous Petition is closed.

21.05.2026

Index : Yes / No
Neutral Citation : Yes / No
Speaking Order : Yes / No
TK



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Note:

1. Registry is directed to forthwith upload this order in the Official Website of this Court.

2. All concerned to act on this order being uploaded in Official Website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in the official website of this Court will be watermarked and will also have a QR code.

To

1.The Fast Track Court V /
Metropolitan Magistrate
Saidapet,
Chennai.

2.The Public Prosecutor
Madras High Court.



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R.SAKTHIVEL, J.

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