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CRL OP No. 14175 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-06-2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

**CRL OP No. 14175 of 2026
and Crl.M.P.No.9122 of 2026**

Murali Kabirdass
S/o Mr. Kabirdass,
No.23, Central Street,
Kilpauk Garden Colony,
Kilpauk, Chennai -600010.

..Petitioner(s)

Vs

Nakshatra Manohar
D/o Mr.Manohar Kabirdass,
residing at
Z-62, Z Block,
11th Street, Anna Nagar,
Chennai -600040.

..Respondent(s)

Criminal Original Petition is filed under Section 528 BNSS, to call for the records of the case numbered as STC No.7261 of 2026 on the file of Chief Metropolitan Magistrate Egmore, FTC-II, at Allikulam, Chennai and quash the same as not maintainable on facts or merits and abuse of the process of law.

For Petitioner(s):

Mr. S.Shyam Kumar

For Respondent(s):

B.A.Sujay Prasanna ASSISTED BY
A.Ashok Kumar



ORDER

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The petitioner / accused facing trial in S.T.C.No.7261 of 2026 for the offence under Section 138 NI Act, had filed this quash petition.

2. The contention of the learned counsel for the petitioner is that the petitioner and the respondent are relatives and there was a family dispute and due to which an agreement was reached. As per the agreement both the petitioner and the respondent had obligations against each other and one of the condition is that the properties including the property at Poonamallee and shares which were held in Public Limited Company, has to be transferred. In lieu of the same, cheques were issued but the agreement of transfer of property or the shares have not been completed. Further, referring the Demat account of share transfer, the learned counsel for the petitioner submitted it has been clearly stated that the shares were transferred by way of gift and not for any consideration. Hence, the cheque which was given in lieu of the consideration have no liability fastened to it. Hence, filed this quash petition.

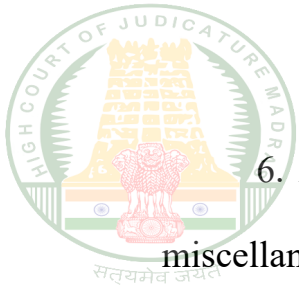
3. The learned counsel for the respondent strongly opposed the contention of the petitioner and submitted that the petitioner neither deny the issuance of cheque nor the signature and hence Section 118 and 139 of NI Act comes to



play. If at all, it is a defense for the petitioner that the cheques are without any liability, he has to prove or probabalise by way of defense and not by filing a quash petition. He further submitted that there was a dispute between the petitioner and the respondent and pursuant to which, arbitration was held. As per the Arbitration Award dated 10.06.2024, the petitioner had handed over six cheques and three cheques were denoted as 'E' & 'F'. 'E' – Cheque No.034209 is for 5 Crores, 'F' – Cheque No.034210 for 5 Crores and in total, the cheque amount which is being prosecuted in STC No.7261/2026 is Rs.10 Crores.

4. The learned counsel for the petitioner submitted that the petitioner did not participate in the arbitration proceedings and had not disputed the arbitral award, but claims that the arbitration award is now questioned and disputed.

5. Considering the submission and upon perusal of the materials, it is seen that the cheques have been issued pursuant to the arbitration award. Now the petitioner claims that the cheques does not have liability and the petitioner's defense is that the petitioner and respondent's transactions are coupled with certain obligation against each other not complied. These are matter of facts which has to be decided during trial and not in a quash petition. In view of the same this Court is not inclined to entertain this petition.



6. Accordingly, this Criminal Original Petition is dismissed. Connected miscellaneous petition is closed.

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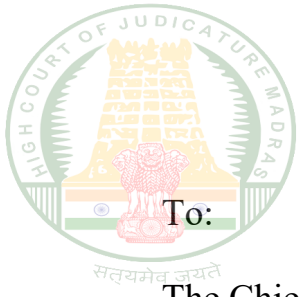
05-06-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

BKN



To:

The Chief Metropolitan Magistrate Egmore, FTC-II,

Allikullam, Chennai

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CRL OP No. 14175 of 2



M.NIRMAL KUMAR, J.

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