



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-01-2026

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP No. 28965 of 2025

M/s. Monotech Systems Ltd.
8B, Chaitanya Exotica,
24, Venkatanarayana Road, T.Nagar,
Chennai - 600 017.
Rep. by its Sr.Accounts Executive
Mr.N.Srinivasan

Petitioner(s)

Vs

Rishab Jain
Proprietor M/s.Aarya Architecture
Solutions, 7/A/1, Adarsh Nagar,
Rasoolpura, Secunderabad, Hyderabad
500 003. Telangana State.

Respondent(s)

PRAYER : Criminal Original Petition filed under section 528 of BNSS to set aside the order or dismissal of the complaint for default dated 17-12-2024 and acquitting the respondent/accused, passed in STC.No.7633 of 2024 by the learned Metropolitan Magistrate, Fast Track Judge-I, Egmore at Allikulam, Chennai-03 and subsequently acquitting the respondent/accused restore the complaint to his file and pass such further or other orders as this Honble Court may deem fit and proper in the circumstances of the case and thus render justice.

For Petitioner(s): Mr.M.Fazulul Haq



ORDER

Challenging the order of dismissal of the complaint filed by the petitioner in STC.No.7633 of 2024 for default on 17.12.2024 and acquitting the respondent /accused, the present Criminal Original Petition has been filed.

2. The learned counsel appearing for petitioner would submit that the petitioner had filed a complaint under section 138 of the Negotiable Instruments Act and it was taken on file on 21.06.2024 and posted to 11.07.2024 for taking summons to the accused. The petitioner had taken summons and the case was posted to 03.08.2024. On 03.08.2024 also, the petitioner had taken summons to the accused and the same was returned with an endorsement 'left' and the case was posted to 23.09.2024 for the petitioner to take summons through electronic mode. The petitioner had taken summons through electronic mode and the case was posted to 15.11.2024. On 15.11.2024, the Court had ordered fresh steps and the case was posted to 17.12.2024. On 15.11.2024, the petitioner had also filed AoS in respect of taking steps through electronic mode and thereafter, the case was posted to 17.12.2024. On 17.12.2024, the learned trial judge, recording that sufficient opportunity has been given, dismissed the complaint for default and acquitted the accused. The learned counsel would further submit that the finding of the trial judge is illegal and petitioner had taken steps through post as well as through electronic mode and therefore, the order of the trial Court has to



be set aside. He would further submit that though a criminal appeal has to be filed against the dismissal of the complaint, in appropriate cases, this Court can exercise its jurisdiction under Section 482 Cr.P.C. since the order passed by the learned Magistrate is erroneous and illegal. In respect of the said legal position, the learned counsel relied on the judgment of the Apex Court in **Prabu Chawla Vs. State of Rajasthan and another** reported in **2016 [Supreme [SC] 686**.

3. Despite service of notice to the respondent, there is no appearance for the respondent. This Court, by an order dated 18.11.2025, directed the Registry to print the name of the respondent in the cause list. Despite the same, there is no appearance for the respondent.

4. As per records, it is seen that the trial Court ordered notice to the respondent / accused and the petitioner had taken notice to the respondent first time through post and second time through electronic mode. The trial Court, without considering the same, recording that sufficient opportunity has been given and steps have not been taken by the complainant, dismissed the complaint for default and acquitted the accused.

5. Considering the submissions of the learned counsel for the petitioner, the impugned order of the trial Court dismissing the complaint of the petitioner stands set aside and the petitioner shall present himself before the trial Court



within a period of four weeks from the date of receipt of a copy of this order.

On the appearance of the petitioner, the trial Court shall take the complaint on file and order fresh summons and proceed with the case in accordance with law.

6. Accordingly, this Criminal Original Petition is allowed.

19-01-2026

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

vrc

To,

The Metropolitan Magistrate,
Fast Track Judge -I,
Egmore, Allikulam. Chennai – 03.



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A.D.JAGADISH CHANDIRA, J.

VRC

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