WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-11-2026

CORAM

THE HON'BLE MR JUSTICE G.K. ILANTHIRAIYAN

CRL OP No. 25666 of 2026

CNR:{HCMA012053472026}

Case QR

1. M/s.A3V Cinemaz
   Rep by its Proprietor N.Vemal,
   No.3/7, Thiruvengadamswamy Street,
   Kannibirann Colony, Saligramam,
   Chennai.

2. Vemal,
   S/o Narasimman,
   No.3/7, Thiruvengadamswamy Street,
   Kannibiran Colony, Saligramam,
   Chennai.

..Petitioner(s)

Vs

M/s.Arasu Films,
Rep by its Proprietor,
B.Gopi,
No.56,
Sakthivel Nagar,
Peravallur, Chennai.

..Respondent(s)

PRAYER: Criminal Original Petition is filed under Section 528 of BNSS, praying to set side the returned Docket order dated 17.08.2026 made by the learned XI Judge, Court of Small Causes, Chennai, in the petition filed by the Petitioner under Section 379 read with Section 215(1)(b) of the BNSS in connection with S.T.C.No.108 of 2022 and consequently direct the learned XI Judge, Court of Small Causes, Chennai, to receive and number the Petitioners application under Section 379 read with Section 215(1)(b) BNSS and consider the same on its merits and in accordance with law.

https://www.mhc.tn.gov.in/judis

WEB COPY

For Petitioner(s): Mr.L.Infant Dinesh

For Respondent(s): Mr.R.Venkatesh

Order

This Criminal Original Petition has been filed seeking to set aside the returned docket order dated 17.08.2026 passed by the learned XI Judge, Court of Small Causes, Chennai.

2.The case of the petitioner is that he is arrayed as the second accused in S.T.C. No.108 of 2022 on the file of the learned XI Judge, Court of Small Causes, Chennai. The complainant, M/s. Arasu Films, represented by its Proprietor, B. Gopi, filed a complaint under Section 138 of the Negotiable Instruments Act, alleging that the petitioner had borrowed Rs.3,00,00,000/- under a loan agreement dated 28.12.2016, agreeing to repay the same with interest on or before 30.04.2017. According to the complainant, the petitioner issued cheque No.307178, drawn on Indian Bank, Kodambakkam Branch, towards repayment of the alleged loan. The cheque, presented on 18.11.2019 for Rs.4,57,50,000/-, was dishonoured on 19.11.2019 for insufficiency of funds. The statutory notice dated 09.12.2019 was returned with the endorsement "Customer Shifted", resulting in the filing of the complaint.

3.During trial, the complainant's Proprietor was examined as PW1 and

https://www.mhc.tn.gov.in/judis

WEB COPY

Ex.P1 to Ex.P17 were marked. The petitioner disputed the alleged loan transaction and contended that blank signed cheques and other documents obtained in connection with the production of the film "Mannar Vagayara" had been misused. The defence examined DW1 to DW3 and marked Ex.D1 to Ex.D5. However, by judgment dated 23.07.2026, the learned Trial Court convicted the petitioner under Section 138 of the Negotiable Instruments Act and sentenced him to one year of simple imprisonment and directed him to pay Rs.4,57,50,000/- as compensation.

4.The petitioner further case is that, during final arguments, the complainant relied upon a typed document containing an alleged second page of Ex.P1 (Loan Agreement), which contained cheque particulars different from those found in the original document. The petitioner immediately raised an objection. Subsequently, he obtained certified copies of the relevant judicial records through C.A. Nos.5545 and 6845 of 2026, which revealed that the disputed page was not part of the original complaint or Ex.P1, though it formed part of the Court bundle without being marked as an exhibit. Hence, the petitioner apprehends that a fabricated or altered document had been relied upon during the final arguments.

5.In the above circumstances, the petitioner filed an application under Section 379 read with Section 215(1)(b) of the BNSS before the learned Trial

https://www.mhc.tn.gov.in/judis

WEB COPY

Court, seeking appropriate action regarding the alleged fabrication and use of false evidence and documents in the judicial proceedings. However, by order dated 18.08.2026, the Trial Court returned the application on the ground that the judgment had already been pronounced and, therefore, the application was not maintainable.

6.The petitioner contends that the said view is legally erroneous, as Section 379 of the BNSS empowers the Court to order an inquiry in the interests of justice, even after the conclusion of the main proceedings. Reliance is placed on the judgment of the Hon'ble Supreme Court in ***Iqbal Singh Marwah v. Meenakshi Marwah***, reported in ***(2005) 4 SCC 370***, wherein it was held that proceedings relating to offences affecting the administration of justice can be considered even after the conclusion of the main proceedings and pronouncement of the final judgment. Therefore, the petitioner contends that the mere pronouncement of judgment dated 23.07.2026 cannot constitute a valid ground for returning the application without numbering and considering the same on merits.

7.Heard the learned counsel appearing on either side and perused the materials available on record.

8.On perusal of the records, this Court finds no illegality or infirmity in the Docket order dated 17.08.2026 made by the learned XI Judge, Court of

https://www.mhc.tn.gov.in/judis

WEB COPY

Small Causes, Chennai, warranting interference by this Court.

9.Accordingly, this criminal original petition stands dismissed.

04-11-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

AH

To

1.The XI Judge,
Court of Small Causes,
Chennai.

2.M/s.Arasu Films,
Rep by its Proprietor,
B.Gopi,
No.56,
Sakthivel Nagar,
Peravallur, Chennai.

https://www.mhc.tn.gov.in/judis

WEB COPY

G.K.ILANTHIRAIYAN J.

AH

CRL OP No. 25666 of 2026

04-11-2026

https://www.mhc.tn.gov.in/judis