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CRL MP No. 2760 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-02-2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

CRL MP Nos. 2760 of 2026 and Crl.M.P.No.17148 of 2024

in

Crl.R.C.No.944 of 2016

T.V.Madhavan(Deceased)
S/o.S.P.Tirumalai

1. S.P.Thirumalai
S/o. Phadmanaban
2. T. Vanaja
W/o.S.P.Thirumalai,
3. Anithabhuvan
W/o. Late T.V.Madhavan,
4. Rhythmsri
D/o. late T.V.Madhavan,

(Petitioners 1 to 4 are residing at
No.3/38, Perumal Nagar Pachal,
Tirupattur, Tirupattur District.)

..Petitioner(s)

Vs

R.Saravanan (deceased)
S/o.Rajamanickam

1. Selvi
W/o. Late R. Saravanan,
2. Nagaiammal
W/o. Rajamanickam,



3. Vignesh
S/o. Late R. Saravanan,

4. Nandhini
D/o. Late R. Saravanan,

(Respondents 1 to 4 are residing at
No.52/54, Pudupettai Road,
4th Street, Tirupattur Town, Tirupathur Taluk,
Tirupathur District.)

(R1 to R4 are impleaded as per order
dt.06.09.2024 in CrI.M.P.No.12600 of 2024
in CrI.M.P.No.12062 of 2024 in
R.C.No.944 of 2016)

5. Tamil Nadu State Corporation
Limited Rep by its Managing Director,
Koyembedu, Chennai.

(Impleaded as 2nd respondent as per the order
of dated 06.01.2017.)

..Respondent(s)

PRAYER: This criminal miscellaneous petition filed under Section 528 of BNSS Act to amend the 1st and 4th petitioners name as 1st petitioner Thirumalai instead of Tirumalai and 4th petitioner Rhythmsri instead of Rhythmsri in CrI.M.P.No.17148 of 2024 in CrI.R.C.No.944 of 2016 vide order dated 11.12.2024.

For Petitioner(s):

Mr.K. Sathish Kumar



ORDER

The petitioners/ legal heirs of one T.V.Madhavan filed this petition to amend the 1st and 4th petitioners name as Thirumalai instead of Tirumalai and Rhythmsri instead of Rhythamsri in Crl.M.P.No.17148 of 2024 in Crl.R.C.No.944 of 2016 vide order dated 11.12.2024.

2.The contention of the petitioners is that earlier the deceased T.V.Madhavan filed a private complaint under Section 138 of Negotiable Instrument Act in STC No.701 of 2013 before the Judicial Magistrate No.1, Tirupattur, Vellore District, against one Saravanan. The trial Court convicted the said Saravanan and directed him to pay the cheque amount of 16 lakhs as compensation apart from the jail sentence of one year. Aggrieved against the same, the said Saravanan preferred an appeal in C.A.No.21 of 2015 before the III Additional Sessions Judge, Vellore @ Tirupattur and the same was dismissed by judgment dated 03.06.2016. Earlier, the said Saravanan filed a petition seeking suspension of sentence and the Sessions Court allowed the petition on condition that the petitioner will deposit a sum of Rs.4 lakhs to the credit of STC No.701 of 2013 and the same was complied with. Aggrieved against the dismissal of Criminal appeal, the said Saravanan preferred a Criminal Revision before this Court in Crl.R.C.No.944 of 2016 along with suspension of sentence petition in Crl.M.P.No.7403 of 2016. This Court by



order dated 04.08.2016 suspended the sentence on condition that the petitioner/Saravanan to deposit a sum of Rs.4 lakhs to the credit of STC.No.701 of 2013 before trial Court. Thereafter, the petitioner filed extension petition in Crl.M.P.No.9511 of 2016 to comply with the order of this Court dated 04.08.2016 and this Court by order dated 06.09.2016 extended the time and directed the petitioner to deposit the conditional amount before this Court in Crl.R.C.No.944 of 2016 and the same was complied with and allowed the petition in Crl.M.P.No.9511 of 2016 on 08.09.2016. So far, the petitioner/said Saravanan deposited a sum of Rs.8 lakhs. i.e. 50% of the cheque amount. He further submitted that the petitioners may be allowed to withdraw the said deposited amount with accrued interest.

3.In the meanwhile, accused Saravanan passed away on 28.05.2019 and the complainant T.V.Madhavan also passed away on 04.10.2024. Thereafter, the Legal Representatives of both complainant and accused impleaded as parties and the case has been prosecuted. Now, a compromise entered between the legal heirs of the complainant and the accused which was recorded in Crl.M.P.No.17148 of 2024 dated 11.12.2024. The legal heirs of the complainant agreed to receive 50% of the cheque amount, which already deposited.

4. Now, only the mistake is in the spelling of the first and fourth petitioner were noticed in Crl.M.P.No.17148 of 2024 dated 11.12.2024. Hence,



amendment petition filed. Though Crl.MP.No.17148 of 2024 considered by this Court on 11.12.2024, the said order does not mention whether substitution of the legal heirs of T.V.Madhavan ordered. Hence, the petitioners unable to receive the deposited amount.

5.Considering the submissions made and on perusal of the materials available on record, this Court finds that 50% of the cheque amount already deposited by the accused Saravanan, 25% of the cheque amount, i.e.Rs.4,00,000/- before the trial Court in STC No.701 of 2013 and another 25% i.e. Rs.4,00,000/- before this Court in Crl.R.C.No.944 of 2016. The Legal heirs of accused Saravanan have no objection for the petitioners to receive the amount along with accrued interest, if any. Hence, the names of 1st and 4th petitioners in Crl.M.P.No.2760 of 2026 corrected, so that, the petitioners can file a petition before the trial Court as well as this Court to withdraw the deposited amount with accrued interest. Since legal heirs of accused Saravanan have no objection to withdraw the deposited amount, which is available in the credit of Crl.R.C.No.944 of 2016 before this Court and STC.No.701 of 2013 before the trial Court, by the petitioners with accrued interest, if any, dispensing notice to the legal heirs of said Saravanan.

6.The petitioner to file appropriate petition/memo along with this order copy. The trial Court and the Registry to comply with the above order.



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7. Accordingly, Crl.M.P.No.17148 of 2024 and Crl.M.P.No.2760 of 2026 are ordered.

17-02-2026

sms

To

1. The Judicial Magistrate No.1,
Tirupattur, Vellore District.
2. The III Additional Sessions Judge,
Vellore @ Tirupattur.
3. Tamil Nadu State Corporation
Limited Rep by its managing Director,
Koyembedu, Chennai.



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M.NIRMAL KUMAR, J.

sms

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in
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