



CRL OP(MD). No.6336 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated : 19/02/2026

CORAM

THE HONOURABLE MRS. JUSTICE L. VICTORIA GOWRI

CRL OP(MD). No.6336 of 2025
and
CRL MP(MD)Nos.4585 & 4587 of 2025

S.Annamalai Shanmuganathan ... Petitioner / Accused

Vs

R.Ramkumar ... Respondent / Complainant

PRAYER :-

To call for the records pertaining to complaint filed on 10.04.2024 in STC No. 219 of 2024 on the file of the Special Court for exclusive Trial of NI Act, Tirunelveli and quash the same.

For Petitioner : Mr.S.Arunnithy

For Respondent : Mr.P.Rajagopalan

ORDER

This Criminal Original Petition is filed to call for the records pertaining to complaint filed on 10.04.2024 in STC No. 219 of 2024 on the file of the Special Court for exclusive Trial of NI Act, Tirunelveli and quash the same.



CRL OP(MD). No.6336 of 2025

2. Learned counsel for the petitioner submitted that the petitioner is the sole accused in the pending case in STC No.219 of 2024 before the trial Court. The respondent herein is the complainant. The case of the respondent is that on 13.03.2023, the petitioner herein borrowed an amount of Rs.20,00,000/- from the respondent for the development of his company, in the name and style of Aries Sense Technologies. The petitioner had handed over 4 cheque leaves of HDFC Bank numbered 000001, 000002, 000003, 000004 for an amount of Rs.5,00,000/- each without mentioning the date, Later, the respondent submitted all the cheques on 22.12.2023 at State Bank of India, Perumalpuram for realization and the cheques were returned as "payment stopped by drawer" on 26.12.2023. Having borrowed the money on 13/3/2023, from the respondent, the petitioner failed to repay the same. In furtherance to the same, a legal notice was issued on 20.01.2024 for which a reply notice was duly sent by the petitioner on 03.02.2024. Later, the respondent had filed a complaint under Section 138 of Negotiable Instruments Act, before the learned trial court and the same was taken on file in STC.No.219 of 2024, without filing a petition to condone the delay on 10.04.2024.



CRL OP(MD). No.6336 of 2025

WEB COPY

3. Learned counsel for the petitioner categorically contended that having not filed a condone delay petition, the learned trial court ought not to have numbered the same and taken cognizance of the same. He also submitted that the entire private complaint is bereft of truth and without any material evidence. He further insisted that on the basis of a foisted complaint, the learned trial Court has taken cognizance where there is no actual money transaction between the petitioner and the respondent. The reply notice to the statutory notice issued by the petitioner was on 03.02.2024. However, after a lapse of two months on 10.04.2024, the private complaint was filed before the learned trial Court and hence the same is clearly barred by limitation. All the four cheques were sent for collection of money on 22.12.2023, despite the petitioner having agreed to return the full amount on the same day.

4. Per contra, learned counsel for the respondent categorically contended that there is no need for filing the said petition along with the condone delay petition, because the same was filed on time on



CRL OP(MD). No.6336 of 2025

02.03.2024. The date of reply notice be 03.02.2024 and the case was promptly filed on 02.03.2024 and he placed before me the acknowledgment. The acknowledgment receipts from the Special Court for Negotiable Instrument Act cases with respect to STC No.219 of 2024 wherein it is clearly stated that the vakalat was filed on 02.03.2024, however the case was numbered on 10.04.2024.

5. Fully convinced by the respondent's side arguments, it is the considered view of this Court that the entire ground on which the petitioner had pressed for allowing the Criminal Original Petition fails, accordingly, this Criminal Original Petition is dismissed. The learned Judge, Special Court for exclusive Trial of NI Act, Tirunelveli, is directed to conclude the trial in STC No. 219 of 2024, within a period of four months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petitions are closed.

19.02.2026

NCC : Yes/No
Index : Yes / No
Internet : Yes / No

pnn

4/6



CRL OP(MD). No.6336 of 2025

WEB COPY

To

- 1.The Judge, Special Court for exclusive Trial of NI Act, Tirunelveli.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



WEB COPY



CRL OP(MD). No.6336 of 2025

L. VICTORIA GOWRI,J

pnn

ORDER
IN
CRL OP(MD) No.6336 of 2025

Date : 19/02/2026