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CrI.O.P.(MD).No.10963 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.06.2026

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

CrI.O.P(MD)No.10963 of 2026

and

CrI.M.P(MD) Nos.10999 and 11001 of 2026

Sakila

...Petitioner/Accused

Vs

Palani

... Respondent/
Defacto Complainant

PRAYER: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records of the private complaint in S.T.C.No.147 of 2026 on the file of the Judicial Magistrate Court, Nilakottai and quash the same as illegal.

For Petitioner : Mr.K.Samidurai

ORDER

The present petition has been filed by the accused person in S.T.C.No. 147 of 2026 on the file of the Judicial Magistrate Court, Nilakottai, seeking to quash the complaint filed under Sections 138 and 142 of Negotiable Instruments Act.



CrL.O.P.(MD).No.10963 of 2026

WEB COPY

2. According to the learned counsel appearing for the petitioner, the petitioner had money dealings with one Mokkaian @ Mokkaismy and she had entrusted the documents and cheques from the Karur Vysya Bank with the said Mokkaian @ Mokkaismy. Even after clearing the entire loan the said Mokkaian @ Mokkaismy has not returned the documents as well as the cheques. Hence, an FIR has been registered as against the Mokkaian @ Mokkaismy and his son Thavamani in Crime No.179 of 2022 before the Batlagundu Police Station, Dindigul District on 13.05.2022. The learned counsel appearing for the petitioner further submitted that another FIR has been registered as against the said persons on 26.12.2025 in Crime No.44 of 2025 before the DCB Police Station, Dindigul District. Since complaints had been lodged as against Mokkaian @ Mokkaismy, he had set up the present complainant and used the cheque for filing the complaint under Section 138 of Negotiable Instruments Act. He further pointed out in the reply notice that all the facts have been stated. Therefore, according to him, the cheque having been misused by the complainant herein, the complaint is liable to be quashed.



CrL.O.P.(MD).No.10963 of 2026

WEB COPY

3. Heard the learned counsel appearing for the petitioner and perused the materials available on record.

4. The primary contention of the learned counsel for the petitioner is that the cheque given to Mokkaismy had been misused by the present complainant and already an FIR has been registered as against Mokkaian @ Mokkaismy in Crime No.179 of 2022.

5. A perusal of the said FIR refers to six cheques issued by the petitioner drawn on Karur Vaysia Bank. Those cheque numbers do not tally with the cheque number, for which, the present complaint has been lodged.

6. In such circumstances, this Court does not find any *prima facie* case to interfere with the complaint. The trial Court is directed to dispose of the same on merits and in accordance with law without being influenced by anyone of the observations made by this Court.

7. Considering the age of the petitioner, the presence of the petitioner shall stands dispensed with unless specifically directed by the trial Court.



CrL.O.P.(MD).No.10963 of 2026

WEB COPY

With the above said observation, this Criminal original Petition is disposed of. Consequently connected Miscellaneous petitions are closed.

15.06.2026

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

1. The Judicial Magistrate Court,
Nilakottai.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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CrI.O.P.(MD).No.10963 of 2026

R.VIJAYAKUMAR,J.

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CrI.O.P(MD)No.10963 of 2026

15.06.2026