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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-10-2026

CORAM

THE HON'BLE MR. JUSTICE G.K. ILANTHIRAIYAN

CRL OP No. 27651 of 2026

CNR: {HCMA012232512026}

G.Ravi

..Petitioner(s)

Vs

M.Bommi

..Respondent(s)

PRAYER: Criminal Original Petition filed under Section 528 of BNSS, praying to set aside the order passed by the Court of Fast Track at Magisterial Level at Tiruvallur dated 20.07.2026 in Crl.MP.No.77 of 2026 made in STC.No.61 of 2022 on the file of the Court of Fast Track at Magisterial Level at Tiruvallur.

For Petitioner(s): Mr.M.Rajavelu

ORDER

This petition has been filed challenging the order dated 20.07.2026 passed by the learned Judicial Magistrate, Fast Track Court at Magisterial Level, Tiruvallur, in Crl.MP.No.77 of 2026 made in STC.No.61 of 2022,

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whereby the Trial Court allowed the respondent's application and directed the petitioner to pay 11% of the cheque amount (amounting to Rs.22,06,600/-) as interim compensation.

2. The petitioner is the accused in the complaint lodged by the respondent/complainant under Section 138 of the Negotiable Instruments Act (NI Act), which was taken cognizance of by the Trial Court in S.T.C.No.61 of 2022. Pending trial, the respondent filed a petition in Crl.MP.No.77 of 2026 seeking interim compensation under Section 143A of the NI Act, which was allowed by the Trial Court through the impugned order.

3. The learned counsel for the petitioner submitted that upon receipt of the statutory notice, the petitioner issued a detailed reply notice dated 26.07.2021, which was duly received by the complainant. The relevant portion of the reply notice reads as under:-

> ***"…….*** ***6.****My client States that when he was kidnapped from Ambattur Sub Registrar Office entrance by your client when he executed a Sale Deed in favor of one Nagaraj on 26.11.2019 and a sum of Rs.4,00,000/- was also snatched by*

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your client for the alleged arrears of loan by your client and my client was kept in wrongful confinement with a evil intention of en cashing the DD to a tune of Rs.38,00,000/- given by the Purchaser Nagaraj, my client escaped when he was taken to the Bank on 27.11.2019 and a Police complaint was lodged on your client and others who assisted her in the crime on 27.11.2019 with Ambattur Police Station and a CSR was also issued for the said complaint. My client understands that in the enquiry Bommi your client had also admitted that she was in custody of my client's money Rs.4,00,000/-, When the battle lines are already drawn, your client's claim that my client issued the subject Cheque in the 1st week of June 2021 for a sum of Rs.2,00,60,000/- is false and blatant lie. This Subject Cheque along with My client states that he worked in Indian Military and retired and Presently working as a attender in Madras Port Trust and he do not know even how to spell in Crores, therefore your client's averment that my client had to give her a sum of Rs.2,00,60,000-/- is the best lie of 2021.

4. On perusal of the reply notice, it is seen that criminal complaints and counter-claims were already pending between the parties since 2019. The allegation that the petitioner voluntarily issued the subject cheque in

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June 2021 for a staggering sum of Rs.2,00,60,000/- raises significant triable issues. The petitioner has established a strong *prima facie* case outlining exceptional circumstances that warrant exemption from the discretionary directory order of interim compensation under Section 143A of the NI Act.

5. In view of the above facts and circumstances, this Court finds that the Trial Court erred in directing the payment of interim compensation without considering the exceptional defence raised by the petitioner.

6. Accordingly, this criminal original petition stands allowed and the order dated 20.07.2026 passed in Crl.MP.No.77 of 2026 made in STC.No.61 of 2022 by the learned Judicial Magistrate, Fast Track Court at Magisterial Level, Tiruvallur, is hereby set aside. The Trial Court is directed to proceed with the trial and complete the proceedings in S.T.C.No.61 of 2022, within a period of three (3) months from the date of receipt of a copy of this order.

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