

**IN THE COURT OF THE JUDICIAL MAGISTRATE,
FAST TRACK COURT, SRIVILLIPUTTUR.**

Present: Thiru. R. Sundara Kamesh Marthandan, M.L.,
Judicial Magistrate, Fast Track Court, Srivilliputtur.

Friday, on the 19th day of June 2026

M.P. No. 11 of 2026
in
S.T.C. No. 680 of 2024

Kanagarathinam

...Petitioner/Complainant

-vs-

Muthukumar

...Respondent/Accused

This Petition came up before this Court on 12.06.2026. Advocate M/s.. R.Murugan, S.Vengatesh & K.Rajkumar, for the Petitioner/Complainant. Advocates M/s.K.Lakshmi Narayanan for the Respondent/Accused. Upon perusing the case records, this Court delivers the following:

ORDER

1. The Petitioner/Accused had filed the Petition under Section 145(2) Negotiable Instrument Act read with Section 348 of Bharathiya Nagarik Suraksha Sanhita, seeking an Order to Recall PW1 .

2. The Petitioner had stated that, the above Case is in the Stage of Arguments and that during the Pendency of the Case, on 29.09.2025 the Accused paid Rs.13,000/- (Rupees Thirteen Thousand Only) and another sum of Rs.7,000/- (Rupees Seven Thousand Only) and on 15.12.2025 the Accused had paid Rs.10,000/- (Rupees Ten

Thousand Only) and on 05.12.2025, the Accused had paid Rs.50,000/- (Rupees Fifty Thousand Only), through the Accused's YONO SBI App, and on 02.03.2026, the Accused had paid Rs.20,000/- (Rupees Twenty Thousand Only). In all, a total sum of Rs.1,00,000/- (Rupees One Lakh Only) was paid by the Accused and his wife, to the Complainant, from the Accused's G-pay No. 8220033086 to the Complainant's G-pay No.8637443031.

3. The Petitioner had further stated that, the payments dated 29.06.2025, 15.12.2025 and 02.03.2026 were credited into the Complainant's Federal Bank, Rajapalayam Branch Account bearing No.1609010058687. Similarly, the amount sent by the said Accused on 05.12.2025 was credited to the Complainant's SBI Account, Rajapalayam Branch, Account bearing No.11099222111. The said sum of Rs. 1,00,000/- (Rupees One Lakh Only) was paid by the Accused and his wife to the Complainant, in which a sum of Rs. 50,000/- (Rupees Fifty Thousand Only) was towards Part Payment of the Cheque amount of Rs. 5,00,000/- (Rupees Five Lakhs Only) in STC No. 680 of 2024, filed by the Complainant against the Accused, another sum of Rs. 50,000/- (Rupees Fifty Thousand Only) was towards Part Payment of the Cheque amount of Rs. 5,00,000/- (Rupees Five Lakhs Only) in STC No. 681 of 2024, filed by the Complainant against the Accused's wife.

4. Regarding the above payments made by the Accused and his wife, the Bank Statements have to be filed before this Court. Only if such evidence, is produced before

this Court, the fact that the Accused and his wife have admitted their liability towards the Petitioner and made such Part Payments could be established. For that Purpose PW1 has to be Re-Called, hence the above Petition.

5. The Respondent had filed Counter, stating that the facts stated in the above Petition are totally false and were created for the purpose of the above Petition. The facts stated in the above Petition are irrelevant to the above Case. It is not legal to state that, the Respondent had admitted the Cheque Amount as liability, when the Respondent is proving his case, by adducing Evidence. If the above Petition is allowed, the same will affect the Respondent's case. Hence, the Respondent Prayed for dismissal of the above Petition.

6. The Point for consideration, is whether the above Petition has to be allowed or not?

7. The above Case is Pending from the year 2024. At the instance of both the Parties the above Case was referred to Mediation on 08.01.2025 and 29.09.2025. In fact on 29.09.2025, the case was referred to Mediation, as because both side Counsels have submitted that the Parties have arrived at a Settlement. However on 15.12.2025, Mediation Report was received stating that the case was not Settled. According to the Petitioner, the Respondent and his wife have made payments on 29.06.2025, 05.12.2025, 15.12.2025 and 02.03.2026. The Respondent had denied the entire claim of the Petitioner as Completely False. Neither the Petitioner, Nor the Respondent have spelt

out as if, there was any Settlement arrived between the Parties. The Petitioner had not stated that the above said payments were not made out of any Mediation Talks, held in the Mediation Centre.

8. Be that, as it may, in so far the above Petition is concerned, the Petitioner by Re-calling PW1, wants to Prove those alleged Payments, made by the Respondent and his wife and also to prove that, by making those Payments, they have admitted the Cheque Liability. It is also not out of Place to mention that the Petitioner was Cross Examined by the Respondent on 17.04.2026. During such time, the Petitioner had not stated anything about the alleged payments, stated in the above Petition.

9. Further, the Case for Offence under Section 138 of Negotiable Instruments Act, 1881, will be adjudicated, based on the fulfillment of the ingredients for that Offence i.e. the necessary ingredients, ought to have occurred prior to the filing of the Complaint. It is not as if, facts, transpired subsequent to the filing of the Complaint, could not be brought to the notice of the Court. However in Cheque Bounce Cases, which are apparently filed to Prosecute the Drawer, for that Offence, indeed, they are impliedly filed for recovery of money and in those cases, Courts themselves refer those cases, for Alternative Dispute Resolution Mechanism, such as Mediation and Lok Adalat. In such circumstances, if the Drawer, had made any payments towards the Pendency of the case, and if ultimately, no settlement was arrived and in such cases, parties want to let in evidence, regarding the payments made in the interregnum, then the same will totally

de-rail the Alternative Dispute Resolution Mechanism, itself.

10. Further whether the Respondent had made payments to the Petitioner pending the above case is not a disputed fact to be adjudicated, while adjudicating the above case that is being prosecuted for Offence under Section 138 of Negotiable Instruments Act, 1881. The Petitioner's claim that the Respondent admitted his Cheque liability by making those payments, could have been spelled out by the Petitioner, during his Cross Examination on 17.04.2026, but he had not did so. The same gives inference, that such claim of the Petitioner is an after thought.

11. In view of the discussions made above, this Court is of the considered view that for Proving the above case, the alleged fact of Payments made by the Respondent/Accused, subsequent to the filing of the above Case, is not necessary and as such, the Petitioner is not entitled for the Petition Relief.

In the result the above Petition is dismissed. No Cost.

Dictated to the Typist and Typed by her, directly in Computer corrected and pronounced by me in Open Court this, the 19th day of June 2026.

Judicial Magistrate, Fast Track Court
Srivilliputtur.

Petitioner side witness & Documents : Nil

Respondent side witness & Documents : Nil

Judicial Magistrate, Fast Track Court
Srivilliputtur.