

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.11.2016

CORAM:

THE HON'BLE MR. JUSTICE P.N. PRAKASH

Crl.O.P. No.24931 of 2016 & Crl.M.P. Nos.12062 & 12063 of 2016

A. Sandhya

Petitioner/Accused

vs.

M. Thangarathinam

Respondent/Complainant

Criminal Original Petition filed under Section 482, Cr.P.C. seeking to call for the records and quash the complaint against the petitioner S.T.C. No.1511 of 2016 on the file of the Judicial Magistrate, Tambaram.

For petitioner Mr. T. Naveen Chandar

ORDER

This Criminal Original Petition has been filed seeking to call for the records and quash the complaint against the petitioner in S.T.C. No.1511 of 2016 on the file of the Judicial Magistrate, Tambaram.

2 For the sake of convenience, the petitioner and the respondent are referred to as accused and complainant respectively.

3 It is the case of the complainant that the accused had borrowed a sum of Rs.2,57,000/- from him, in discharge of which, she had issued four cheques. Since three cheques issued by the accused were dishonoured on 13.02.2014, the complainant issued a statutory notice dated 05.03.2014 and followed it up by filing a complaint under Section 138 of the Negotiable Instruments Act, 1881 in S.T.C. No.1511 of 2016, challenging which, the accused is before this Court.

P.N. PRAKASH, J.

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4 The learned counsel for the accused submitted that out of the four cheques, the first cheque is dated 04.11.2013 and therefore, the complaint that has been filed on 06.05.2014, is barred by limitation. In support of this contention, he placed reliance on the judgment of the Supreme Court in *K.S. Joseph vs. Philips Carbon Black Ltd. and Others*, [AIR 2016 (SC) 2149].

5 On a reading of the complaint, it is seen that though the complainant has referred to four cheques in the narrative portion of the complaint, the actual complaint has been filed only in respect of three cheques, which were dishonoured on 13.02.2014. Therefore, there is no infirmity in the prosecution launched by the complainant.

In the result, this Criminal Original Petition is dismissed with liberty to the accused to raise all points before the Trial Court. Further, it is made clear that whatever is stated in this order is only for the limited purpose of deciding this Criminal Original Petition and the Trial Court shall proceed with the case uninfluenced by any of the observations made in this order. Connected CrI. M.Ps. are closed.

14.11.2016

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To

- 1 The Judicial Magistrate
Tambaram
- 2 The Public Prosecutor
Madras High Court
Chennai 600 104