

**THE HONOURABLE SRI JUSTICE RAJA ELANGO**  
**CRIMINAL PETITION No.3857 OF 2016**

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**ORDER:**

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This Criminal Petition is filed under Section 482 of Code of Criminal Procedure (Cr.P.C.) to quash the proceedings in C.C.No.163 of 2015 on the file of the Court of the IX Special Magistrate, Hyderabad, arising out of offence under Section 138 of the Negotiable Instruments Act.

Heard and perused the material available on record.

Learned counsel for the petitioner submits that though the complaint is barred by limitation and the Court below erred in dismissing the petition filed by the petitioner/accused under Section 203 CrPC seeking to declare that the complaint is barred by limitation.

The Court below while dismissing the petition filed by the petitioner observed that there is force in the contention of the complainant and that relevant portion of the order impugned is as follows.

... Notice was issued to the accused on 14.11.2014, which was received by the accused on 15.11.2014 and so the period of 15 days limitation runs from 16.11.2014 and ends by 30.11.2014. Further, the cause of action arise for lodging the complaint from 01.12.2014 and expires on 30.12.2014 (within 30 clear days) and so the complaint was presented vide S.R.No.5462 of 2014 before the VIII Additional Chief Metropolitan Magistrate and so the complaint is filed within the time as per the provisions of the Negotiable Instruments Act.

In view of the above observations of the Court below, there is nothing to interfere with the order impugned.

The Criminal Petition is accordingly dismissed. Consequently, miscellaneous petitions, if any, pending, shall stand closed.

**JUSTICE RAJA ELANGO**

21.03.2016

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