

INTHE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.11.2018

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Cr1.O.P. No.10106 of 2014

M/s.Enkay Technologies,
A Company registered under the
Companies Act,
rep.by its Divisional General Manager,
Mr.Ajay Thomas,
Having marketing office at
Aarthi Chambers, Old No.189,
New No.188, 1F/5, Anna Salai,
Chennai-6. ... Petitioner

. Vs .

M/s.s.S.Networks,
A Proprietorship firm,
Rep.by its Proprietor Mr.Prakash,
Having office at NO.3/7,
Pechimuthu Pillai Street,
Edayarpalayam,Vellore,
Coimbatore-641111. ..Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to set aside the order passed in CC.Sr.No.989 of 2013, by the learned XIV Magistrate, Egmore, Chennai, with a consequential direction to take the complaint preferred by the Petitioner/Complainant under Sec.138 of the Negotiable Instruments Act on file and dispose of the same in accordance with law.

For Petitioner : Mr.S.Sathya Narayanan

For Respondents : M/s.SS Networks

ORDER

This petition has been filed challenging the order passed by the Court below refusing to take cognizance of the Complaint filed by the petitioner under Section 138 of the Negotiable Instruments Act.

2.The Court below has refused to take cognizance of the Complaint only on the ground that the cheque was returned with an endorsement "out of date". The Court below has rightly refused to take cognizance of the Complaint since the cheque has been presented beyond the validity of the cheque, and therefore, the Complaint does not satisfy the requirements of proviso A to Section 138 of the Negotiable Instruments Act. There is no ground to interfere with the order passed by the Court below.

Accordingly, the Criminal Original Petition is dismissed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

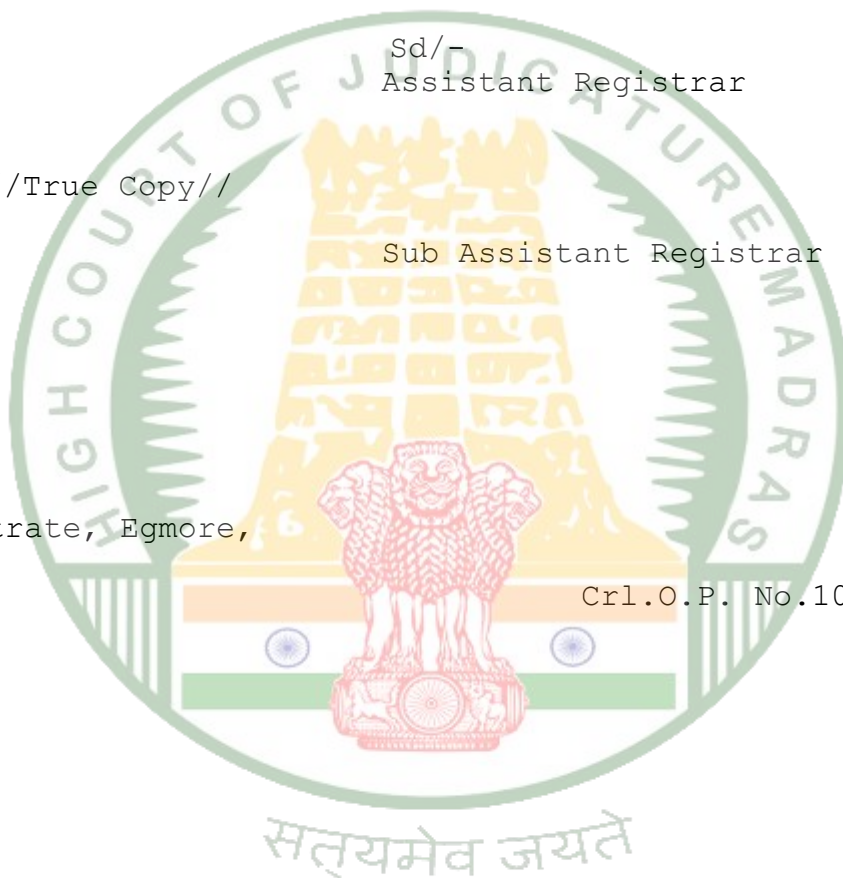
KP

To

XIV Magistrate, Egmore,
Chennai.

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