



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.09.2020

CORAM

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

Crl.R.C.No.764 of 2020

Amudha ... Petitioner
Vs.

The Inspector of Police,
K11, Koyambedu CMBT Police Station,
Chennai - 600107. ... Respondent

Criminal Revision filed under Section 397 read with 401 Cr.P.C. seeking to set aside the order of the dismissal of the petition passed by the learned V Metropolitan Magistrate at Egmore passed in Crl.M.P.No.994 of 2020 on 15.07.2020 in the above matter and direct the respondent police to register the FIR on my complaint dated 07.04.2019 & CSR No.186/2019, dated on 07.04.2019 and investigate the same.

For Petitioner : Mr.K.Yuvaraj
For Respondent : Mrs.P.Kritika Kamal
Government Advocate
(Crl. Side)

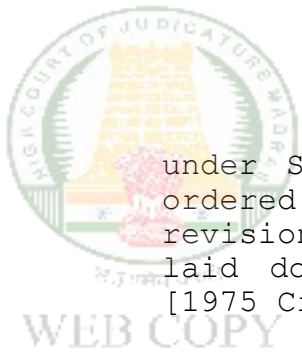
ORDER

This case is taken up through video conferencing.

2. The petitioner filed a petition in Crl.M.P.No.994 of 2020 under Section 156 (3) Cr.P.C in the Court of V Metropolitan Magistrate, Egmore, which has been dismissed on 15.07.2020, on the ground that the petitioner has not made out a case under Section 415 IPC and that the remedy for the petitioner is to have prosecuted the accused only for offence under Section 138 of Negotiable Instruments Act, 1881 (N.I.Act).

3. Heard the learned counsel for the petitioner, who submitted that the cheque, that was issued by the accused, had expired in the year 2019 and therefore, the petitioner had lost the remedy to file a prosecution under Section 138 of N.I. Act.

4. In the opinion of this Court, for the failure of the petitioner, to prosecute the accused within the time stipulated



under Section 138 of N.I. Act, Police investigation cannot be ordered under Section 156(3) Cr.P.C. That apart, the present revision petition is not maintainable in the light of the law laid down by this Court in Nathan Vs. Vaithinathan & Others [1975 Cr1.LJ 994 = 1974 SCC Online Mad 288].

5. Hence, this Criminal Revision Petition is dismissed with a liberty to the petitioner to workout her remedy in the manner known to law.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

- 1.The V Metropolitan Magistrate,
Egmore.
- 2.The Inspector of Police,
K11, Koyambedu CMBT Police Station,
Chennai - 600107.
- 3.The Public Prosecutor,
Madras High Court,
Chennai - 600 104.

Cr1.R.C.No.764 of 2020

VG I (CO)

GN(21/10/2020)