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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 06.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

CRL. O.P. NO.7948 OF 2018 AND
CRL.M.P.NOS.4087 AND 4088 OF 2018

L.Narasimman

. . . Petitioner/Accused

Versus

A.M.Abuthahir

. . . Respondents/Complainant

PRAYER :

Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records pertaining to C.C. No.2913 of 2017 on the file of the VII Metropolitan Magistrate, George Town, Madras and quash the same.

For Petitioner : Mr.Manoj Kumar
for M/s.Malini George

For Respondent : Mr.A.Ilayaperumal

ORDER

This Criminal Original Petition is heard through Video-Conferencing, on account of the COVID-19 pandemic situation.

2. This Criminal Original Petition has been filed to call for the records pertaining to C.C. No.2913 of 2017 on the file of the VII Metropolitan Magistrate, George Town, Madras and quash the same.

3. The crux of the complaint is that the petitioner/accused issued a cheque for a sum of Rs.2,50,000/- towards part payment to the respondent with an assurance to pay the remaining amount within a short period. When the cheque was presented for encashment, the same was dishonoured on 21.06.2017 with an endorsement "stop payment" by drawer. Thereafter, the respondent/complainant has issued a notice on 24.06.2017 and on 07.07.2017, within the period of limitation prescribed under the



statute and thereafter, the respondent/complainant, lodged a complaint before the learned VII Metropolitan Magistrate, George Town, Chennai against the petitioner for an offence punishable under Section 138 of the Negotiable Instruments Act, 1881

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4. It is the contention of the learned counsel appearing for the petitioner that the statutory notice was issued beyond the period of limitation, therefore, the complaint is not maintainable.

5. At the outset, I am not able to persuade myself to countenance the contention of the learned counsel for the petitioner. Even assuming that there are two legal notices issued, both were issued within one month period and the same was pleaded in the complaint. Therefore, it cannot be said that statutory notice was issued beyond the period of limitation. In such view of the matter, I do not find any merit in the criminal original petition.

6. Accordingly, the criminal original petition is dismissed. However, it is open to the petitioner to raise all his defence before the trial court. Consequently, the connected criminal miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

psa/asr

To

1.The VII Metropolitan Magistrate, George Town, Madras.

2.Do thro-The Chief Metropolitan Magistrate, Egmore, Chennai.

+1cc to Mr.A.Ilayaperumal, Advocate, S.R.No.1505

+3ccs to M/s.Malini, Advocate, S.R.No.1214

Cr1. O.P. No.7948 of 2018

SRA(CO)

PM/31/01/2022