



Crl.O.P.No.28850 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.11.2022

CORAM:

THE HONOURABLE MS JUSTICE R.N.MANJULA

Crl.O.P.No.28850 of 2022 and
Crl.M.P.Nos.17663 & 17664 of 2022

K.Kodhandaraman

...Petitioner

Vs.

K.Mohandoss

...Respondent

Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to call for the entire records connected with the complaint in C.C.No.23 of 2020 pending on the file of the learned District Munsif cum Judicial Magistrate, Thirukkazhukundram and quash the same.

For Petitioner : Mr.A.Venkatesan

ORDER

This Criminal Original Petition is filed to quash the records connected with the complaint in C.C.No.23 of 2020 pending on the file of the learned District Munsif cum Judicial Magistrate, Thirukkazhukundram and quash the same.

2. The case of the petitioner is that the petitioner is the accused in the



Crl.O.P.No.28850 of 2022

case registered in C.C.No.23 of 2020 for the offences under Sections 138 and 142 of Negotiable Instruments Act for dishonour of cheque; however, the complaint has been filed beyond the period of limitation as the respondent had initially filed the complaint before the wrong forum and thereafter he represented it before the learned District Munsif cum Judicial Magistrate, Thirukkazhukundram; during that time, the limitation period got expired; hence according to the petitioner, the complaint should be quashed.

3. Heard the learned counsel for the petitioner and perused the materials available on record.

4. On perusal of the complaint, it is seen that the respondent is the agriculturist who is growing paddy in his lands. The accused had purchased 325 bags of paddy for a value of Rs.4,65,000/- on credit basis. Since the petitioner / accused failed to repay the amount, the respondent demanded the same and for which the accused had issued a cheque bearing cheque No.000170, dated 20.08.2019 drawn in Karur Visya Bank, Madurantagam branch for a sum of Rs.4,65,000/-. When the said cheque was presented for



Crl.O.P.No.28850 of 2022

collection on 14.10.2019, it was returned for insufficient funds.

WEB COPY

5. After issuing mandatory legal notice, he has filed the private complaint. The cheque was returned on 15.10.2019 and within 30 days, the respondent issued a legal notice calling upon the petitioner to pay the cheque amount. The respondent has produced the acknowledgment to show the notice was served upon the petitioner. After a statutory period of 15 days, the complaint has been filed on 27.11.2019.

6. The certified xerox copy of the complaint produced by the respondent would show that the complaint was originally presented before the learned Judicial Magistrate Court, Madurantakam and at that point of time the Judicial Magistrate, Madurantakam does not have jurisdiction to deal with the case and hence it was returned; however it was represented before the learned District Munsif cum Judicial Magistrate, Thirukazhukundram on 03.01.2020; hence the limitation period got lapsed as per the Section 14 (2) of the Limitation Act while computing the period of limitation.

7. No doubt, the time during which the respondent had filed the



Crl.O.P.No.28850 of 2022

petition before the learned Judicial Magistrate, Madurantakam, does not have jurisdiction and hence, the said period should be excluded. Since the respondent has produced substantial materials to make out a case against the petitioner for the offences under Sections 138 and 142 of the Negotiable Instruments Act, I do not find any valid reason to consider this petition favourably and to quash the proceedings.

8. In the result, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petitions are closed.

24.11.2022

vum
Index:yes/No
Speaking order / Non speaking order



WEB COPY



Crl.O.P.No.28850 of 2022

R.N.MANJULA,J.

vum

Crl.O.P.No.28850 of 2022 and
Crl.M.P.Nos.17663 & 17664 of 2022

24.11.2022