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Crl.O.P.No.26092 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.02.2023

CORAM

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.26092 of 2022

and

Crl.M.P.No.16084 of 2022

K.P.Sai Kalishwaran

...

Petitioner

/vs/

M.Ramki

...

Respondent

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C. to call for the records in C.C.No.3662 of 2021 on the file of the learned Fast Track Court -II, Egmore, Allikulam, Chennai and quash the same.

For Petitioner

... Mr.A.Kumaranaraja

For Respondent

... Mr.M.Jaikumar

ORDER

This Criminal Original Petition has been filed to call for the records in C.C.No.3662 of 2021 on the file of the learned Fast Track Court -II, Egmore, Allikulam, Chennai and quash the same.



2. The learned counsel for the petitioner submitted that the respondent instituted a case under Section 138 of Negotiable Instruments Act in C.C.No.3662 of 2021 on the file of the learned Fast Track Court -II, Egmore, Allikulam, Chennai on the basis of the impugned cheque bearing No.601527 said to have been issued by the petitioner on 30.11.2020. As per the RBI guidelines, the validity period of cheque, from the date of issue, is 3 months. However, the cheque was presented on 15.05.2021, thereafter, the cheque was returned by HDFC Bank, Gopalaburam Branch for the reason that "Cheque Stale" and the complainant was informed by the banker through return memo dated 17.05.2021. Therefore, the case instituted on the basis of the stale cheque is not maintainable.

3. Heard the learned counsel for the respondent. Considered the rival submissions and perused the records. As per the guidelines issued by the RBI, the validity period of the cheque is 3 months and this guidelines came into effect from 01.04.2012. It is seen from the return memo issued by HDFC Bank, Gopalapuram that the cheque was returned for "Cheque stale". Admittedly, the cheque was presented only after a period of three months and therefore, the



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cheque dated 30.11.2020 become invalid. Therefore, this Court is of the view that the registration of the FIR on the basis of the stale cheque is against law and it is liable to be quashed.

4. In this view of the matter, this Criminal Original Petition is allowed and the proceedings in C.C.No.3662 of 2021 on the file of the learned Fast Track Court -Egmore, Allikulam, Chennai against the petitioner is hereby quashed. Consequently, connected miscellaneous petition is also closed.

01.02.2023

Index: Yes/No
Speaking/Non speaking order
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G.CHANDRASEKHARAN, J.

sma

To

1. The Fast Track Court,
Egmore, Allikulam, Chennai.
- 2.The Public Prosecutor,
High Court, Madras.

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and
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