



Crl.O.P.Nos.25046, 25107, 24721, 24747 of 2023
& Crl.M.P.Nos.17148, 17354, 17412,17414, 17299,17300, 17229,17228 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Dated: 10.11.2023

Coram:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.Nos.25046, 25107, 24721, 24747 of 2023
& Crl.M.P.Nos.17148, 17354, 17412,17414, 17299,17300, 17229,17228 of 2023

Crl.O.P.No.25046 of 2023

1. S.Jeyaraman.

2. J.Ramalakshmi.

... Petitioners/Accused Nos.1 and 2

/versus/

K.Sunilkumar Jain.

... Respondent/Complainant

Prayer:- Criminal Original Petition is filed under Section 482 of Cr.P.C., pleased to call for the records relating to the petitioners in the private complaint in C.C.No.767 of 2020 on the file of the Fast Track Court No.IV, Metropolitan Magistrate, George Town, Chennai and quash the same.

For Petitioners : Mr.R.Udhaya Kumar.



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Crl.O.P.No.25107 of 2023

1. S.Jeyaraman.

2. J.Ramalakshmi.

... Petitioners/Accused Nos.1 and 2

/versus/

K.Sunilkumar Jain.

... Respondent/Complainant

Prayer:- Criminal Original Petition is filed under Section 482 of Cr.P.C., pleased to call for the records relating to the petitioners in the private complaint in C.C.No.769 of 2020 on the file of the Fast Track Court No.IV, Metropolitan Magistrate, George Town, Chennai and quash the same.

For Petitioners : Mr.R.Udhaya Kumar.

Crl.O.P.No.24721 of 2023

1. S.Jeyaraman.

2. J.Ramalakshmi.

... Petitioners/Accused Nos.1 and 2

/versus/

K.Sunilkumar Jain.

... Respondent/Complainant

Prayer:- Criminal Original Petition is filed under Section 482 of Cr.P.C., pleased to call for the records relating to the petitioners in the private complaint in C.C.No.770 of 2020 on the file of the Fast Track Court No.IV, Metropolitan Magistrate, George Town, Chennai and quash the same.

For Petitioners : Mr.R.Udhaya Kumar.



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Crl.O.P.No.24747 of 2023

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1. S.Jeyaraman.

2. J.Ramalakshmi.

... Petitioners/Accused Nos.1 and 2

/versus/

K.Sunilkumar Jain.

... Respondent/Complainant

Prayer:- Criminal Original Petition is filed under Section 482 of Cr.P.C., pleased to call for the records relating to the petitioners in the private complaint in C.C.No.768 of 2020 on the file of the Fast Track Court No.IV, Metropolitan Magistrate, George Town, Chennai and quash the same.

For Petitioners : Mr.R.Udhaya Kumar.

COMMON ORDER

The petitioners herein seek quash of the private complaint initiated under Section 138 of N.I. Act on the ground that the complaint was filed beyond the period of limitation prescribed under the statute.



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2. According to the Learned Counsel for the petitioners, cognizance of the offence under Section 138 of N.I Act can be taken by the Judicial Magistrate under Section 142 of N.I. Act. If the complaint is made within one month from the date on which the cause of action arises under clause “c” of the proviso to Section 138 of N.I. Act. The said proviso to Section 138 of N.I Act refers causing notice to the drawer of the cheque and on failure to pay the amount within 15 days from the receipt of the said notice the cause of action will arise.

3. According to the petitioners, the complaint indicates that, the cheque dated 26.02.2020 was bounced and therefore, statutory notice was issued to the accused on 05.03.2020 which was received by the accused as found in the Postal Department endorsement dated 12.03.2022. Within period of one month, the complaint should have been filed. Whereas, the complaint was presented only on 08.09.2022, the period is covered under *corona* and therefore, the complaint has to be dismissed. Though, the contention raised by the petitioners *prima facie* appears to be valid, but in the *Suo Motu* Writ Petition (Civil).No.3 of 2020 by the Hon'ble Supreme Court, which has granted moratorium for limitation including filing the complaint under Section 138 of N.I. Act, which saves the



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limitation in this case and therefore, on this ground the complaint cannot be

quashed. Accordingly, the ***Criminal Original Petitions are dismissed.***

Consequently, connected Miscellaneous Petitions are closed.

10.11.2023

Index :Yes/No.

Internet :Yes/No.

Speaking Order/Non-Speaking Order

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Copy to:-

1. The Fast Track Court No.IV, Metropolitan Magistrate, George Town, Chennai.



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DR.G.JAYACHANDRAN, J.

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