



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2023

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.30687 of 2019

And

Crl.M.P.Nos. 16655 & 16657 of 2019

Mr.S.G.Sekar

... Petitioner /Accused

Vs

Mr.E.Velu

...Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records in C.C.No. 4197 of 2018 dated 11.01.2018 on the file of the XVII Metropolitan Magistrate Court, now transfer to FTC-III, Saidapet, Chennai and quash the same.

For Petitioner : Mr. Ajay Raj
for Mr. B.Nedunchehiyan

For Respondent : M/s. Sangeetha Rajkumar
for JJR Edwin

ORDER

The petitioner seeks to quash a complaint in C.C.No. 4197 of 2018 under Section 138 of the Negotiable Instrument Act.



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2. It is alleged in the complaint that the accused had borrowed a sum of Rs.50/- lakhs for his business expenses. Towards the discharge of the said liability, he had issued a cheque. When the said cheque was presented for collection, the same was dishonoured for the reasons 'funds insufficient'. The accused did not make the payment inspite of the statutory notice sent by the complainant.

3. The learned counsel for the petitioner would submit that the statutory notice was received by the accused on 24.07.2017 and 15 days time limit given to make the payment has expired on 03.08.2017. The respondent ought to have filed the complaint within one month from the said date. However, the said complaint was filed only on 11.01.2018. Hence, the complaint is barred by limitation.

4. The learned counsel for the respondent would submit that the complaint was on 6th September 2017, which is within limitation.



5. This Court is of the view that the points raised by the petitioner can be adjudicated only in the trial. Since there is a disputed fact, as regards the date of filing of the complaint, this Court cannot entertain the quash Petition. The petitioner is at liberty to raise all the points before the trial Court.

6. With the above observation, this Criminal Original Petition is dismissed. Consequently, connected Criminal Miscellaneous Petitions are also dismissed.

16.03.2023

Index:Yes

vsg

Index: Yes/No

Speaking Order / Non-Speaking Order

Neutral Citation: Yes / No

To

FTC -III, Saidapet, Chennai.



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4

SUNDER MOHAN. J.

vsg

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