



WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.03.2024

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CRL.OP No. 4198 of 2022

& CrI.MP.No. 2101 & 2102 of 2022

A.Sivakumar

...Petitioner

Vs.

1 V.S.T.SPINTEX (I) PVT LTD
REP BY ITS DIRECTOR B.SURESH M/A 36 YRS 32
E KRPAD ROAD PALLIPALAYAM NAMAKKAL 638006.
REP BY ITS MANAGER/ POWER OF ATTORNEY
HOLDER S.NATESAN M

...Respondents

PRAYER : This petition has been filed under Section 482 of Cr.P.C , to
call for the entire records connected with S.T.C.No.283 of 2021 on the file of
Fast track court No.II (Magistrate Level) Erode and quash the same.

For Petitioner : Mr.Saravanan. P
For R1 : M.Karthik



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ORDER

The petitioner herein filed this petition to call for the entire records connected with S.T.C.No.283 of 2021 on the file of Fast track court No.II (Magistrate Level) Erode and quash the same.

2. The case of the prosecution is that the petitioner used to purchase yarn from the complainant on credit basis. As per accounts maintained by the complainant the accused have to pay a balance of Rs.6,36,424/- to the complainant. In order discharge the said balance amount and liability, the accused signed and issued the cheque dated 25.03.2021 and the same was presented for collection on 03.04.2021 through Karur Vysya Bank, and the same was returned as Funds insufficient. Hence, the defacto complainant filed the case.

3. The learned counsel for the petitioner submits that the complainant filed the complaint with the malafide intention with ulterior motive. Further, the complaint was not filed within the limitation period of 30 days and also proper reason was not assigned for the delay.

4. On perusal of the records, it reveals that the cheque was issued on



25.03.2021. The main ground raised by the petitioner is that the respondent filed the complaint beyond the limitation period. On seeing the facts of the case, that there was Covid Pandemic at that time and our Apex Court has excluded the limitation period from 15.03.2020 to 28.02.2022. Hence, I am not finding any reason to quash the STC No. 283 of 2021.

5. In the result, this petition is dismissed. No Costs. Consequentially connected miscellaneous petition is closed.

06.03.2024

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To
1. The Public Prosecutor,
High Court, Madras.



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T.V.THAMILSELVI, J.

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