



WEB COPY



CrI.O.P.No.3130 of 2024

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 26.03.2024**

**CORAM**

**THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH**

**CrI.O.P.No.3130 of 2024**

V.R.Palanisamy

... Petitioner

Vs.

Chandrasekaran

... Respondent

**Prayer:**

Petition filed under Section 482 of Cr.P.C., seeking to set aside the order passed in C.M.P.No.6596 of 2023 in S.T.C.No.2835 of 2019 dated 10.01.2024 on the file of learned Judicial Magistrate (Fast Track) Court Tiruppur and allow the amendment petition filed by the petitioner.

For Petitioner : M/s.L.Sriram

For Respondent : No Appearance

**O R D E R**

The criminal original petition has been filed challenging the order passed by the Court below in C.M.P.No.6596 of 2023 in S.T.C.No.2835 of 2019 dated 10.01.2024, dismissing the application filed by the petitioner/ complainant seeking for the amendment of the complaint.



CrI.O.P.No.3130 of 2024

WEB COPY

2.Heard the learned counsel for the petitioner. The respondent has been served with notice but the respondent is not appearing either in person or through counsel.

3.The petitioner is the complainant who has filed the private complaint against the respondent for offence under Section 138 of the Negotiable Instruments Act. During the pendency of the case, the petitioner realized that instead of mentioning the cheque number as 681347, it was wrongly mentioned as 681437 in two places in the complaint. Hence, the petitioner wanted to carry out the correction and accordingly filed C.M.P.No.6596 of 2023 to carry out the corrections. This application came to be dismissed by the Court below by an order dated 10.01.2024. Aggrieved by the same, the present petition has been filed.

4.In the considered view of this Court, carrying out an amendment of the complaint is not covered by any provision under the Cr.P.C. like the one that is found under Order VI Rule 17 of C.P.C. Technically speaking, there is no question of amending a complaint since the averments/ allegations made in a complaint forms the basis



CrI.O.P.No.3130 of 2024

WEB COPY

for taking cognizance of the complaint. Therefore, Cr.P.C. does not provide for a provision to amend the complaint. However, this does not mean that typographical errors or mistakes committed due to oversight, which does not impact the crux of the complaint, cannot be carried out. Ultimately, procedure is only a hand made to justice and the procedure should not be allowed to crush a valuable right that is available to a litigant.

5. When the above principles are applied to the facts of the present case, it is seen that the correct cheque number is 681347. The same is evident from the cheque that has been marked as Ex.P1 which carries this cheque number. In two places in the complaint, instead of mentioning the cheque number as 681347, it has been mentioned as 681437. By carrying out the corrections, it is not going to any way destroy the content of the complaint and it is also not going to cause any prejudice to the respondent/ accused. Therefore, the Court below ought to have allowed the application and permitted the petitioner to carry out the corrections.

6. In the light of the above discussion, the order passed by the



CrI.O.P.No.3130 of 2024

WEB COPY

Court below in C.M.P.No.6596 of 2023 in S.T.C.No.2835 of 2019 dated 10.01.2024 is hereby set aside. The Court below is directed to permit the petitioner to carry out the corrections in the complaint. There shall also be a direction to the Court below to complete the proceedings in S.T.C.No.2835 of 2019 within a period of three months from the date of receipt of a copy of this order.

7.In the result, this criminal original petition is allowed with the above directions.

26.03.2024

pri

Index: Yes/ No  
Speaking Order: Yes/ No  
NCC: Yes/ No

To

- 1.The Judicial Magistrate (Fast Track Court)  
Tiruppur.
- 2.The Public Prosecutor,  
High Court of Madras,  
Chennai 600 104.



WEB COPY



Crl.O.P.No.3130 of 2024

**N.ANAND VENKATESH,J.**  
pri

**Crl.O.P.No.3130 of 2024**

**26.03.2024**