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Crl.O.P.No.8879 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.06.2025

CORAM :

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.O.P.No.8879 of 2024

1. M/s.Sri Valarmathi Suppliers LPG Suppliers
Represented by its Proprietor Manivasagam
3/363, Sri Lakshmi Avenue,
Market Road, Kelambakkam,
Kanchipuram – 603103

2. A.Manickavasagam

...Petitioners

Vs.

M/s.Dwaraka Enterprises
Rep. by their power of attorney,
Mr.V.Karthick
#777, T.H.Road, Toll Gate,
New Washermenpet,
Chennai – 600 081.

...Respondent

Prayer : Criminal Original Petition filed under Section 482 Cr.P.C., to call for the entire records in S.T.C.No.70 of 2023 on the file of the Metropolitan Magistrate, Fast Track Court at Magistrate Level IV, George Town, Chennai, and quash the same.



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For Petitioners : Mr.L.Infant Dinesh

For Respondent : Mr.G.Magesh

ORDER

This petition has been filed seeking to quash the proceedings in S.T.C.No.70 of 2023 pending before the learned Metropolitan Magistrate, Fast Track Court at Magistrate Level IV, George Town, Chennai.

2 According to learned counsel for the petitioner/accused, the complaint itself is hit by limitation. Further the exemption granted by the Hon'ble Supreme Court would not apply for this case, since the respondent/complaint sent notice only after expiry of the period granted by the Hon'ble Supreme Court i.e. on 30.05.2022. Further the cheque itself was presented for collection only on 10.03.2022. Therefore the learned Magistrate ought not to have taken the complaint on file, which itself is erroneous and against the provisions of law.

3 Per contra, learned counsel for the respondent/complainant would submit that the Hon'ble Supreme Court has granted time exempting the limitation during covid period. Therefore the



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complaint is well within the period of limitation and the lower Court also, after analysing the same, taken the complaint on file, which need not be quashed.

4 Heard the learned counsel appearing on either side and perused the materials available on record.

5 It is seen that the only ground on which, the petitioner is seeking to quash the case is limitation. The complainant filed the complaint with delay and hence he filed miscellaneous petition in Crl.M.P.No.1642 of 2022 seeking to condone the delay of 10 days. The learned Magistrate after hearing both the petitioner/accused and the respondent/complainant, by an order dated 01.12.2022, condoned the delay and taken the complaint on file in S.T.C.No.70 of 2023. Therefore, if the petitioner is aggrieved on the same, he should have challenged the order of condoning the delay by the Magistrate. Furthermore, limitation is a mixed question of law and fact, which can be decided during enquiry by the Magistrate.



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6 Therefore this Court is not inclined to entertain this petition and the same is accordingly dismissed. However, the petitioner is at liberty to take all its defence before the trial Court.

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Speaking /Non-speaking order

To

The Metropolitan Magistrate, Fast Track Court at Magistrate Level IV, George Town, Chennai,



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P.VELMURUGAN, J.

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