



Crl. R.C. No. 1394 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 12.08.2025

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl. R.C. No. 1394 of 2025

M/s. Star Health and Allied Insurance Company Limited,
Reg Office at No.1, New Tank Street,
Nungambakkam, Chennai – 600 034.
Corporate Office at No.148, Acropolis,
Dr. Radha Krishnan Salai,
Mylapore, Chennai – 600 004.
Rep., by its H.R Srinivas V.S.

... Petitioner

Vs.

Yeshurathnam

... Respondent

PRAYER: Criminal Revision Case is filed under Section 438 r/w
442 of BNSS, 2023 to set aside the order passed in SR No.83044 of
2024 on the file of the learned Metropolitan Magistrate Court/FTC-I
at Allikulam, Egmore dated 27.11.2024 and consequently restore the
complaint in SR No.83044 of 2024 on the file of Learned
Metropolitan Magistrate Court/FTC-I at Allikulam, Egmore.

For Petitioner : Mr. T.V. Suresh Kumar
for Mr. N.S. Elamugilan

ORDER



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This Criminal Revision Case has been filed as against the rejection of complaint filed under Section 138 of Negotiable Instruments Act in S.R.No.83044 of 2024 dated 27.11.2024 on the file of the Metropolitan Magistrate Court/FTC-I at Allikulam, Egmore.

2. The petitioner lodged complaint for the offence punishable under Section 138 of Negotiable Instruments Act as against the respondent alleged that towards legally enforceable debt, the respondent issued cheque for a sum of Rs.31,00,000/- dated 07.05.2024. It was presented for collection on 06.08.2024. It was returned for the reason “payment stopped by the drawer”. After causing statutory notice, the petitioner has filed complaint.

3. However, it was rejected for the reason that the cheque was presented after period of its validity namely three months. Therefore, no prima facie case made out.



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4. On perusal of records revealed that the cheque dated 07.05.2024 was presented for collection on 06.08.2024. It was filed within the time of its validity namely three months. That apart, the cheque was not returned for the reason it lost its validity. It was returned for the reason 'payment stopped by the drawer'. Therefore, the complaint is very much maintainable and the trial Court is directed to take the complaint on file and proceed with the complaint in accordance with law.

5. With the above direction, this Criminal Revision Case is allowed and the order passed in SR No.83044 of 2024 on the file of the Metropolitan Magistrate Court/FTC-I at Allikulam, Egmore dated 27.11.2024 is set aside.

12.08.2025

Index : Yes/No
Neutral citation : Yes/No
AT

To
The Metropolitan Magistrate Court/FTC-I at Allikulam,
Egmore.



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G.K.ILANTHIRAIYAN, J.

AT

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