



Crl.R.C.No.1516 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.08.2025

CORAM :

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.R.C.No.1516 of 2025

M/s.SRS Cargo Logistics (India) Pvt. Ltd.,
Represented by its General Manager Mr.K.R.Kumar,
No.4-53, Dewan Rama Road,
Purasawalkam,
Chennai – 600 084.

... Petitioner

Vs

1.M/s.Vinayaka Tiles,
Represented by its Proprietor Mr.Rahul V,
P.P.18/678, Mottamoodu,
Naruvamoodu P.O.,
Trivandrum – 695 528.

2.Rahul.V

... Respondents

Prayer : Criminal Revision Case filed under Section 438 r/w 442 of B.N.S.S., pleaded to set aside the order of the learned Metropolitan Magistrate Fast Track Court – I, Allikulam, Chennai in S.T.C.Sr.No.466 of 2025 dated 26.02.2025 and allow this Criminal Revision Case.

For Petitioner : M/s.Devi.N

ORDER

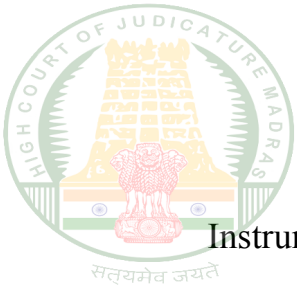


Crl.R.C.No.1516 of 2025

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This revision has been preferred as against the order passed in S.T.C.Sr.No.466 of 2025 on the file of the learned Metropolitan Magistrate, Fast Track Court – I, Allikulam, Chennai dated 26.02.2025 thereby dismissed the complaint on the ground that no prima facie case was made out.

2. The petitioner lodged a complaint for the offence under Section 138 of Negotiable Instruments Act as against the respondent alleging that the respondent issued cheque in order to settle the legally enforceable debt and when the same was presented for collection, it was returned stating “Exceeds Arrangement”. Immediately, petitioner caused legal notice to the propertier concerned namely M/s. Vinayaka Tiles, since the cheque was issued by M/s.Vinayaka Tiles represented by Proprietor concerned. Thereafter, the respondent did not issue any reply to the notice. Therefore, the petitioner filed a complaint along with tracking consignment to show that the 1st respondent issued notice. On perusal of the statutory notice, it revealed that, petitioner issued statutory notice to the Proprietor concerned. Now the petitioner in the complaint included the Proprietor also as accused. Admittedly, the 1st respondent is a proprietary concerned and represented by its proprietor Mr.V.Rahul namely 2nd respondent herein. Therefore, the petitioner duly followed the procedure under Section 138 of Negotiable



Crl.R.C.No.1516 of 2025

Instruments Act and lodged a complaint and hence the trial Court dismissing the complaint on the ground that prima facie case not made out cannot be sustained.

4. In view of the above, the impugned order dated 26.02.2025 passed by the learned Metropolitan Magistrate, Fast Track Court – I, Allikulam, Chennai in S.T.C.Sr.No.466 of 2025 is set aside.

5. Accordingly, this Criminal Revision Case is allowed. The trial Court is directed to take the complaint on file and proceed in accordance with law.

21.08.2025

Index : Yes / No
Speaking order / Non-speaking order
NCC : Yes / No
sma

To
The Metropolitan Magistrate, Fast Track Court – I, Allikulam, Chennai.



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Crl.R.C.No.1516 of 2025

G.K.ILANTHIRAIYAN, J.

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Crl.R.C.No.1516 of 2025

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