



CrI.O.P.No.27313 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.01.2025

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

CrI.O.P.No.27313 of 2024 and

CrI.M.P.No.15105 of 2024

1. M/s. Achariya Educational Public Trust

Rep. by its Managing Trustee and

Authorized Signature

J.Aravindhan

2. J.Aravindhan

Managing Trustee and Authorized Signature

M/s. Achariya Educational Public Trust

... Petitioners

Vs.

Deep Chand Jain

Rep. by its Power of Attorney

Dharmesh Kumar

... Respondent

Prayer: Criminal Original Petition filed under Section 528 of B.N.S.S. to call for the records in C.C.No.7175 of 2018 on the file of the II Metropolitan Magistrate Court, Egmore, Chennai and quash the same.



Cr.O.P.No.27313 of 2024

For Petitioner : Mr.S.Sadasharam
For Respondent : Mr.A.Prakash

ORDER

This Criminal Original Petition has been filed by the petitioners to quash the case in C.C.No.7175 of 2018 on the file of the II Metropolitan Magistrate Court, Egmore, Chennai.

2. The learned counsel for the petitioners submitted the respondent has filed a complaint against the petitioners in C.C.No.7175 of 2018 on the file of the II Metropolitan Magistrate Court, Egmore, Chennai, under Section 200 of Cr.P.C. for the offence under Section 138 read with 141 of the Negotiable Instruments Act. The present petition is filed to quash the said complaint on the ground of pre-mature complaint. He further submitted that the statutory notice issued by the respondent was served on the petitioners on 05.03.2018, whereas the respondent without even waiting for the statutory period of 15 days,



CrI.O.P.No.27313 of 2024

presented the complaint before the Magistrate on 19.03.2018 itself and therefore, the complaint is pre-matured and the same is liable to be quashed.

3. The learned counsel for the respondent submitted that even though the complaint was originally presented before the Magistrate on 19.03.2018, the complaint was returned for the very same reason and subsequently, the complaint was re-presented only after completion of the statutory period and only thereafter, the complaint was taken on file by the Magistrate. Therefore, there is no merit in this petition.

4. Heard both sides and perused the materials available on record.

5. It is seen that the complaint was originally filed by the respondent on 19.03.2018 which before completion of the statutory period and thereby, the Magistrate has rightly returned the complaint and thereafter, the complaint has been re-presented by the respondent after completion of the statutory period and therefore, the Magistrate has taken the complaint on file. Even otherwise, the said reason is not sufficient to quash the complaint.



CrI.O.P.No.27313 of 2024

6. Therefore, this Criminal Original Petition is dismissed. Consequently,

connected Miscellaneous Petition is closed.

7. The petitioner is at liberty to take all his defence during trial before the trial Court.

20.01.2025

Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No

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To

The II Metropolitan Magistrate Court,
Egmore, Chennai



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CrI.O.P.No.27313 of 2024

P.VELMURUGAN. J.

Ksa-2

CrI.O.P.No.27313 of 2024

20.01.2025